



## U.S. DEPARTMENT of STATE

### Russia

#### Country Reports on Human Rights Practices - [2003](#)

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The 1993 Constitution established a governmental structure with a strong head of state (President), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country has a multi-party system, but the pro-presidential party that controls over two-thirds of the Duma puts majority support within reach for all presidential priorities. President Vladimir Putin was elected in March 2000. A new Duma was chosen on December 7, in an electoral process that the Organization of Security and Cooperation in Europe (OSCE) described as technically well managed but marred by widespread misuse of administrative resources by pro-government parties, systematically biased media coverage, and inequitable treatment of political parties. The Constitution provides for an independent judiciary. Although seriously impaired by a shortage of resources and by corruption, and still subject to undue influence from other branches of Government, the judiciary continued to show some increasing independence, and the criminal justice system was slowly undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operated with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although the Government has employed them in local internal conflicts, and they were also available to control civil disturbances. The authorities increasingly dealt with security threats in parts of the country by employing militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country had a population of approximately 145 million. The economy continued to grow, and the annual Gross Domestic Produce (GDP) growth was 7 percent compared with 4.5 percent in 2002; GDP was \$365 billion. Industrial production grew by 5.9 percent, and real income increased by 8.6 percent; however, approximately 27 percent of the population continued to live below the official monthly subsistence level of \$73. As of November, official unemployment was 8.6 percent, up from 7.1 percent at the end of 2002. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its human rights record worsened in a few areas. The Government's record remained poor in the continuing struggle with separatists in Chechnya, where federal security forces demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of unlawful killings, and of abuse of civilians by both the Government and Chechen fighters in the Chechen conflict. There were reports of both government and rebel involvement in politically motivated disappearances in Chechnya. Parliamentary elections held on December 7 failed to meet international standards, although the voting process was technically well run. Criminal charges and threats of arrest or actual arrest against major financial supporters of opposition parties, and seizure of party materials from opposition parties, undermined the parties' ability to compete.

There were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment and often did so with impunity. Hazing in the armed forces remained a problem. Prison conditions continued to be extremely harsh and frequently life-threatening. Arbitrary arrest and lengthy pretrial detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption. Although there were some improvements, assessments of the progress made in implementing the significant reforms in criminal procedures code enacted in 2002 were mixed at year's end. Government protection for judges from threats by organized criminal defendants was inadequate, and a series of alleged

espionage cases continued during the year and caused continued concerns regarding the lack of due process and the influence of the FSB in court cases. Authorities continued to infringe on citizens' privacy rights.

Government pressure continued to weaken freedom of expression and the independence and freedom of some media, particularly major national television networks and regional media outlets; this resulted in the elimination of the last major non-state television station; however, a wide variety of views continued to be expressed in the press. Authorities, primarily at the local level, restricted freedom of assembly and imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems. Local governments restricted citizens' freedom of movement, primarily by denying legal resident permits to new residents from other areas of the country. Government institutions intended to protect human rights were relatively weak but remained active and public. The Government placed restrictions on the activities of both nongovernmental organizations (NGOs) and international organizations in Chechnya. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia, faced widespread governmental and societal discrimination, and, at times, violence. There were increasing limits on workers' rights, and instances of forced labor and child labor were reported. Trafficking in persons, particularly women and girls, was a serious problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by government agents; however, there continued to be credible reports that the federal armed forces engaged in unlawful killings in Chechnya. There also were credible reports that the armed forces used indiscriminate force at various times in the Chechen conflict in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.). They generally conducted such actions with impunity; however, there was at least one conviction; on July 25, a military court convicted Colonel Yuriy Budanov of charges of kidnapping, murder and abuse of authority in the death of an 18-year-old Chechen woman (see Section 1.g.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

The press and media NGOs reported that unknown parties killed a number of journalists, presumably because of the journalists' work (see Section 2.a.).

Attacks on ethnic and racial minorities resulted in at least one death (see Section 5).

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, in connection with either the ongoing strife in Chechnya, or with politics. A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergey Yushenkov, was shot to death on April 17. Yushenkov had been an outspoken critic of the Putin Administration on a number of issues, and he was engaged in rivalry for leadership within his own party. A number of observers charged that the professionally executed killing was politically motivated. The first court hearing on Yushenkov's case was held on December 26. The prosecutor accused six persons, including Mikhail Kodanov, co-chair of the Liberal Russia party, and a supporter of President Putin's adversary Boris Berezovskiy.

Yuri Shchekochikhin, a Member of the Duma and deputy editor of Novaya Gazeta, died in July under mysterious circumstances. Along with Yushenkov, he had begun to investigate charges of FSB responsibility for a series of 1999 apartment building bombings at the time of his death. In December, Yabloko launched its own investigation into Shchekochikhin's death.

On May 14, the St. Petersburg city court returned a guilty verdict for all four suspects in the 1999 killing of St. Petersburg legislative assembly Deputy Viktor Novoselov. Artur Gudkov, who had played the key role in the killing, received a life sentence; the other three received shorter sentences. Law enforcement officials were still looking for the individual or individuals who ordered the killing.

On June 26, a court acquitted all defendants charged with the 1994 murder of journalist Dimitriy Kholodov (see Section 2.a.).

Although the FSB announced in 2002 that they had arrested six unidentified suspects and charged them with the 1998 killing of Galina Starovoytova, a prominent Duma deputy, the investigation continued, and the suspects remained in detention at year's end. Human rights activists were convinced the suspects were not the masterminds

of the killing, and some claimed that the Liberal Democratic Party of Russia was behind it.

Chechen rebels killed numerous civilians and increased their killings of civilian officials and militia associated with the Federally-appointed Chechen administration (see Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (see Section 1.g.). Large numbers of individuals were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5). Both sides, as well as criminal elements, were involved in these activities. Authorities attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999; there were many civilian landmine casualties in Chechnya during the year.

#### b. Disappearance

There were reports of government involvement in politically motivated disappearances in Chechnya. The NGO Memorial claimed that federal military forces have detained thousands of persons from Chechnya since the beginning of the conflict. According to Memorial, there were 472 cases of disappearances during the year. Memorial based this statistic only on the 25 to 30 percent of Chechnya to which Memorial had access, and it speculated that the actual number was at least three times higher. Of the 472, 269 disappeared without a trace, 48 were later found dead with marks of torture, and 155 were later released after a ransom was paid. According to Memorial, there was a sharp rise in disappearances during the year but a dramatic decline before the March constitutional referendum and the October presidential elections.

For example, Human Rights Watch (HRW) reported that Russian forces had "disappeared" at least 26 people between late December 2002 and late February. This was the highest rate of "disappearances" documented by HRW since 1999. HRW reported that, on June 2, security forces took five men, including Said-Magomed Imakaev and Ruslan Utsaev, from their homes in the Chechen village of Novye Atagi. Russian federal troops had detained Said-Magomed Imakaev's son, Said-Khusein Imakaev, in December 2000. There was at least one report that an NGO worker in Chechnya was kidnapped and threatened during the year (see Section 4).

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in Dagestan, which neighbors Chechnya, remained unsolved. Police and security services continued to investigate the case. This event, and overall security problems in the region, led the U.N. and many NGOs to suspend their activities temporarily, although the International Committee of the Red Cross (ICRC) resumed operations in Dagestan in November.

There were numerous investigations into kidnappings, but as of January, only 1 of the 1,178 criminal cases initiated in relation to kidnapping had resulted in the commencement of criminal proceedings against an employee of the state law enforcement agencies. In the view of many observers, Government forces were implicated in many of the kidnappings. This led Rudolf Bindig, the Council of Europe's (COE) Rapporteur, to complain of a climate of impunity for state forces in Chechnya.

There were no developments in the ongoing criminal investigation into the disappearance in 2000 of former speaker of the Chechen Parliament and former field commander Ruslan Alikhadzhiyev, whom federal forces allegedly detained in Shali, and resolution of the case appeared unlikely.

Memorial estimated early in the year that the number of individuals unaccounted for in Chechnya since 1999 was somewhere between several hundred and more than 2 thousand. Russian and Chechen officials, including Chechen President Akhmed Kadyrov, acknowledged that disappearances continued but attributed many of them to separatist fighters. Memorial and other observers have said Kadyrov's security forces were also responsible for kidnappings. While many disappearances remained unresolved, the abductors released most of those taken, often after their relatives paid a bribe.

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently engaged in these practices to coerce confessions

from suspects and that the Government often did not hold officials accountable for such actions. Neither the law nor the Criminal Code defines torture; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation prosecutors could bring against the police was that they exceeded their authority or committed a simple assault.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups described the practice of such abuse as widespread. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees.

Although there was no indication of a return to the widespread use of psychiatric methods against political prisoners, an NGO cited Sergey Volkov, whom the authorities described as a specialist in "sects," as stating that approximately 10 Jehovah's Witnesses were in the psychiatric hospital in Penza, where doctors were trying to "return to them their mental health." Human rights activists, including Yuriy Savenko, head of the Independent Psychiatric Association of Russia, charged that political considerations had influenced a psychiatric evaluation supervised by the Ministry of Health that led to the determination that Platon Obukhov, a diplomat charged with espionage, was mentally ill. At year's end, Obukhov was undergoing treatment in a psychiatric hospital near Moscow.

Physical abuse by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension of body parts (e.g., suspending a victim from the wrists, which are tied together behind the back). Allegations of abuse were difficult to substantiate because of lack of access by medical professionals and because the techniques used often left few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa, as well as Roma (see Section 5). Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (see Section 1.e.).

Police on at least one occasion beat protesters (see Section 2.b.).

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, at times fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports cited serving and former armed forces personnel, the Main Military Procurator's Office (MMPO), and NGOs monitoring conditions in the armed forces, which indicated that this mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. On September 3, the chief military prosecutor announced that approximately 2,000 hazing incidents had been reported in the military in the first half of the year, an increase of 30 percent from the same period in 2002. According to the chief military prosecutor, over 300 criminal cases were opened regarding hazing incidents in the army during the year. He estimated that 1,200 soldiers had died in non-combat situations in the first half of the year, of which at least 16 were the result of hazing. At least five other deaths of military personnel have been attributed to cases of assault and battery. Soldiers often did not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerated or even encouraged such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." Hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the MMPO received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. Observers have commonly attributed this tendency to stressful conditions--for example, degrading and substandard living conditions--that persisted throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, as leaders of primary troop units.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. The limited scale of their efforts was due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. Although the MMPO continued to cooperate with the USMC to investigate allegations of abuse, the USMC believed that as a result of fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity, most hazing incidents

and assaults were not reported.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administered the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintained penal facilities. There were five basic forms of custody in the criminal justice system: Police temporary detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. Responsibility for operating the country's penal facilities fell under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). As of August, there were approximately 877,000 persons in the custody of the criminal justice system. Men were held separately from women, as were juveniles from adults. The FSB continued to run the "Lefortovo" pretrial detention center in Moscow, in keeping with a 1998 Presidential decree. The COE's rapporteurs called in 2002 for the transfer of the penitentiary system to the Ministry of Justice "without delay." Lefortovo appeared to be the only SIZO not under the control of the Ministry of Justice.

The Government did not release statistics on the number of detainees and prisoners who were killed or died in custody, or on the number of law enforcement and prison personnel disciplined. The Moscow Center for Prison Reform (PCPR) estimated that in earlier years, 10,000 to 11,000 prisoners died annually in penitentiary facilities, 2,500 of them in SIZOs. During the year, these numbers were estimated to be somewhat lower. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals who were mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by the same officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, there were some improvements. Mass amnesties offered immediate relief. The authorities also took longer-term and more systemic measures to reduce the size of the prison population. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Criminal Procedures Code that eliminate incarceration as a penalty for a large number of less serious offenses. Many penal facilities remained in urgent need of renovation and upgrading. By law, authorities must provide inmates with adequate space, food, and medical attention; with the dramatic decrease in prison populations, they were increasingly meeting these standards.

Inmates in the prison system often suffered from inadequate medical care. In 2001, President Putin described the problem of disease in the prison system as a potential "Chernobyl." According to the GUIN, as of July 1 there were approximately 77,000 tuberculosis-infected persons and 37,000 HIV-infected persons in SIZOs and correction colonies. Public health measures, funded by international aid and by the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Detention facilities had tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

ITKs held the bulk of the nation's convicts. There were 753 ITKs. Guards reportedly disciplined prisoners severely to break down resistance. At times, guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITKs were better than those in the SIZOs, because the ITKs had fresh air. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. The country's "prisons"--distinct from the ITKs--were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

Conditions in police station detention centers varied considerably but generally were harsh; however, average periods of stay in such facilities decreased, and overcrowding was greatly alleviated. Implementation in July 2002 of the new Criminal Procedures Code and the overall reduction in the use of pretrial detention for petty criminals reduced both the numbers of persons being held and the length of time they may be held in pretrial detention. Since 2000, the pretrial population has declined by approximately 46 percent, virtually eliminating the problem of overcrowding in those institutions.

Despite these improvements, conditions in SIZOs, where suspects were confined while awaiting the completion of

a criminal investigation, trial, sentencing, or appeal, remained extremely harsh and posed a serious threat to health and life. Health, nutrition, and sanitation standards remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease.

Because of substandard pretrial detention conditions, defendants at times claimed that they had confessed simply to be moved to comparatively less harsh prison conditions. Defendants' retractions of confessions made under these conditions generally were ignored, as were those who attempted to retract confessions they claimed they were coerced to make (see Section 1.e.).

VTKs are facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In August, GUIN reported that there were 62 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

The Government generally permitted the ICRC to work throughout the country, and the ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. However, there were limitations on access in the northern Caucasus where the organization was particularly active. In that region, the Government granted the organization access to some facilities where Chechen detainees were held, but the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to the ICRC or other human rights monitors (see Section 1.g.).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that individuals may be arrested, taken into custody, or detained beyond 24 hours only upon a judicial decision; however, arbitrary arrest and detention remained problems. The Chief Justice of the Russian Supreme Court was quoted in May as saying that cases where law enforcement bodies asked courts to approve arrests, 92 percent were approved and 8 percent disapproved. He added that approximately 10 percent of such court decisions were appealed, with 87 percent of the arrests upheld by higher courts. The Criminal Procedures Code gives authorities the means to implement these requirements, and progress was made toward effective judicial oversight over arrests and detentions.

The Ministry of Internal Affairs, the national police, exists on the federal, regional, and local levels. Corruption was widespread and, although regulations and national laws prohibit corrupt activities, there were few crackdowns on illegal police activity. There were reports that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya (see Section 1.g.). Government agencies such as the MVD have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed.

The Criminal Procedures Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for not more than 24 hours. During that time, they must notify the procurator, who then has 24 hours to confirm the charge or release the suspect. The Code also requires that the Procuracy obtain a judicial order for arrest, search, or seizure.

There were credible reports that security forces regularly continued to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders, and during "mopping-up" operations following military hostilities, or in targeted operations known as "night raids," and severely beat and tortured them.

The Criminal Procedures Code also specifies the introduction of jury trials to the rest of the country (an experiment in jury trials has been underway in 9 out of 89 regions since 1993) for crimes punishable by more than 10 years' imprisonment. By the end of the year, 83 of the 89 regions implemented jury trials. On January 1, 2004, five of the remaining six regions, including St. Petersburg, were scheduled to implement jury trials, leaving only Chechnya, which was scheduled to begin jury trials on January 1, 2007. The new Criminal Procedures Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences and shorter trials for certain classes of crimes. In the first 6 months that this provision was available, it applied only to crimes punishable by less than 3 years' imprisonment. In that period, 100,400 criminal defendants made use of the new procedure. In July, the Code was amended to simplify the procedure and expand its availability to defendants facing up to 10 years'

imprisonment.

The Criminal Procedures Code limits the duration of detention without access to counsel or family members and rendered statements given in the absence of a defense attorney unusable in court; however, there were reports that these reforms were being undermined by the police practice of obtaining "friendly" defense counsel for these interviews and the overall ignorance by defense counsel of these provisions. Despite the Code, courts remained reluctant to exclude evidence allegedly obtained through coercive means (see Section 1.e.).

In June, the Criminal Procedures Code was amended to permit "witnesses" to bring their own attorneys to interviews conducted by the police. This amendment was designed to address the police practice of interrogating suspects without the presence of counsel under the fiction that they were witnesses, and then after incriminating statements were obtained, declaring the suspects to be defendants. Generally was believed that if the witness was aware that that counsel could be present, witnesses were not being denied this right. Citizens' ignorance of their new rights was a problem. The Government was engaged in a public education program to inform citizens of their rights and responsibilities under the system introduced by the Code of Criminal Procedures, such as the right to a lawyer and the obligation to serve on juries when called. The Council of Judges together with the Supreme Court of the Russian Federation and the Russian Information Agency Novosty, conducted an educational program called "Public Trust" for citizens explaining the work of the judicial system and citizens' rights.

Judges generally freed suspects whose confessions were taken without lawyers present or who were held in excess of detention limits. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions were charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4).

The law prohibits pretrial detention for crimes carrying a sentence of less than 3 years unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where particularly grave crimes are involved. The Code specifies that within 2 months of a suspect's arrest police should complete their investigation and transfer the file to the procurator for arraignment. A procurator may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Procurator General, the judge may extend that period up to 18 months. Juveniles may be detained only in cases of grave crimes.

The Code states that police may detain an individual not more than 24 hours before the case is referred to the procurator and gives the procurator 24 hours in which to open or reject the criminal case. At that point, the procurator must decide whether to seek pretrial detention from the court. Pretrial detention is limited in most cases to 6 months. The investigators have 2 months to refer the case file to the court and request more time for detention. Only in a small number of serious crimes and complex investigations can the Procuracy request an extension of detention for an additional 6 months, and only with the personal approval of the Procurator General can they apply to the court for an extension to a maximum of 18 months. During the first 6 months in which the new procedures were in place, no such 18-month extensions were requested and most cases went to trial in the allotted 6 months. According to Chief Justice Lebedev, from January until May, the courts received 37,000 applications for the extension of pretrial detention; 35,000 were granted. These procedures were generally respected; however, there were still some judges and regions that did not appear to enforce them fully.

An individual detained before January 2002 could spend up to 3 years awaiting trial in a SIZO; however, the Criminal Procedures Code gives the courts, rather than the Procuracy, the authority to review detention, and although the Supreme Court instructed all judges to enforce strictly statutory limits on pretrial detention, insufficient time had elapsed by year's end to permit evaluation of compliance with these instructions.

By December, there were approximately 866,500 persons in corrective facilities, prisons, and detention camps, including approximately 150,000 in prisons and in pretrial detention. In December, Minister of Justice Chaika stated, "since the population of imprisoned persons reached its peak in May 2000, it has been reduced overall by 240,000 persons."

At the end of December, a court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, with the result that Sutyagin remained in pretrial detention where he has been since 1999 on suspicion of espionage. Prosecutors accused Sutyagin of passing classified information about the country's nuclear

weapons to a London-based firm, but the Kaluga regional court ruled in 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

The European Court of Human Rights (ECHR) ruled in October that authorities in Yekaterinburg had violated Tamara Nikolayevna Rakevich's international rights to liberty and security by holding her for 29 days, rather than the statutory 5 days, before providing her with an opportunity to challenge her incarceration. Psychiatrists had diagnosed Rakevich with paranoid schizophrenia.

Significant reforms occurred in law enforcement and judicial procedures, however, the apparently selective arrest and detention of prominent businessman Mikhail Khodorkovsky on the eve of parliamentary elections raised a number of concerns over the arbitrary use of the judicial system.

The Constitution prohibits forced exile, and the Government did not employ it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and there were increasing signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. Judges remained subject to some influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption. At times, government authorities refused to implement court decisions, including some ordering them to register certain religious groups and organizations.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities, and between legal entities and the state. The Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitutes the third branch.

The President approves judges after they have been nominated by the qualifying collegia, which were assemblies of judges. These collegia also had the authority to remove judges for misbehavior and to approve procurators' requests to prosecute judges.

Justices of the peace, introduced beginning in 1998, deal with criminal cases involving maximum sentences of less than 3 years and some civil cases. There were 5,576 justices of the peace throughout the country, although there remained many vacancies in this system. These judges handle a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the peace had been implemented completely, backlogs and delays in trial proceedings decreased significantly, both among those cases referred to the justices of the peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. Justices of the peace were in various stages of development according to region, but were functioning nationwide, producing significant reductions in case backlogs and freeing the courts of general jurisdiction for more serious cases. In some regions, Justices of the peace assumed 65 percent of federal judges' civil cases and up to 25 percent of their criminal matters, which may have contributed to easing overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.). Justices of the peace were working in all regions except Kareliya and Chechnya.

Low salaries and lack of prestige continued to make it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption. Working conditions for judges remained poor and lacking in physical security, and support personnel continued to be underpaid. Judges remained subject to intimidation and bribery from officials and others, and the authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The Criminal Procedures Code provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention (see Section 1.d.). Judicial reforms enacted in 2001 provide for public representation on the qualifying collegia that rate judicial candidates as qualified to hold the office and which impose disciplinary measures. Such public representatives began to serve in some places in 2002 and more widely during the year, and have contributed at least somewhat to a sense that these processes are more open than in the past. In addition, the Supreme Qualifying Collegium of Judges began to



make public some information concerning cases in which it had removed judges from office for various kinds of malfeasance in 2002 and continued this practice during the year, thereby adding at least a degree of transparency to the judicial discipline system. According to the Russian Supreme Court, qualification commissions dismissed 68 judges and ordered disciplinary action for over 220 judges during the year.

In addition, judicial training was mandated and strengthened during the year, and the new Academy of Justice under the Supreme Court, with responsibility for training and regular re-training of judges, began operation, with 10 branches in the regions.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. Assessments of the effects of the new criminal code on this process were mixed as of year's end. Abuses of the right to a fair trial declined; however, numerous critics argued that the country remained far from having a truly adversarial criminal procedure. The domestic press reported that 9,000 persons, or 0.8 percent of defendants, were acquitted in 2002, double the number from the previous year; however, figures suggested that the courts were slow in implementing judicial reforms. One legal observer noted that higher courts overturned 40 percent of the acquittals granted by lower courts, but only .05 percent of the guilty verdicts.

As of December 2002, 69 regions used adversarial jury trials. On July 1, 14 more regions, including the City of Moscow, began jury trials. On January 1, 2004, five more regions, including St. Petersburg, are scheduled to begin using jury trials, leaving only Chechnya scheduled to begin jury trials on January 1, 2007. According to observers, a majority of defense attorneys, defendants, and the public favored jury trials and an adversarial approach to criminal justice. However, trial by jury is available for only a small number of the most serious offences. The remaining criminal cases still were tried by single judges, since the two "peoples assessors" who sat with a judge before the introduction of reforms have been removed. According to the Supreme Court, there were 492 jury trials involving approximately 1,000 defendants during the year. Approximately 15 percent of these trials resulted in acquittals (compared to 0.8 percent of bench trials). As there is no double jeopardy bar to seeking review of acquittals, approximately one-quarter of these acquittals were overturned on appeal.

Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGOs reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Suspects often were unable or unwilling to exercise their right to counsel during pretrial questioning. Many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.d.). In the past, human rights monitors have documented cases in which prosecutors obtained convictions on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt; however, the Criminal Procedures Code specifically excludes such confessions from evidence.

The Criminal Procedures Code and Federal Defense Bar statute provide for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. Lawyers tried to avoid accepting these cases since the Government did not always pay them. In January, a Federal Russian Bar was established, and the bar undertook the obligation to design a system to provide for the representation of indigent suspects. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation. There were no defense attorneys in remote areas of the country.

There were public centers that provided legal advice to the general public. These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law.

The Independent Council of Legal Expertise has reported that defense lawyers continued to be the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

The arrest and trial of Mikhail Trepashkin raised concerns about the undue influence of the FSB and arbitrary use of the judicial system. Trepashkin, an attorney and former FSB official, was arrested in October and charged with disclosing state secrets and illegal possession of a handgun and ammunition. A closed trial began on the case in December based on an indictment that was not made public. Trepashkin had served as a consultant to an independent parliamentary commission headed by then-deputies Sergei Yushenkov, who was killed in April, and Sergei Kovalyov, a prominent human rights advocate (see Section 1.a.). With Trepashkin's assistance, the commission investigated allegations of FSB responsibility for a series of apartment building bombings in 1999 that were blamed on Chechens, and which served as partial justification for the Government's resumption of the armed

conflict against Chechen fighters. Trepashkin's October arrest came 1 month after his charges of FSB responsibility were cited in a book and 1 week before he was scheduled to represent the relatives of a victim of one of the apartment building bombings. After his arrest, Trepashkin wrote a letter describing extremely poor and filthy conditions in his detention cell (see Section 1.c.).

Authorities abrogated due process in continuing to pursue several "espionage" cases involving foreigners who worked with Russians and allegedly obtained information that the security services considered sensitive. The proceedings in these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage Russians and foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services. On August 25, the Vladivostok court found Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute, guilty of revealing state secrets. Shchurov received a 2-year suspended sentence and was freed under amnesty. Regional FSB authorities brought the case in 2000. In June, prosecutors refused to support two of the three original FSB charges against the scientist for lack of evidence. The verdict reflected the tensions between security and scientific inquiry, as the court case pitted Shchurov and the scientific and human rights communities that supported him against the security services.

A Moscow court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute who had been detained in 1999 on suspicion of espionage. Sutyagin was serving his fifth year in prison without a trial (see Section 1.d.). Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in December 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

Grigoriy Pasko, a former military journalist and a former active-duty officer in the Pacific Fleet, who received a 4-year sentence in December 2001 for espionage, continued to appeal to the ECHR to have his conviction overturned. Pasko was granted parole in January 2002 after he served two-thirds (2 years and 8 months) of his sentence. The Russian Supreme Court had rejected his appeal on three occasions.

Platon Obukhov, a diplomat charged with espionage, was determined to be mentally ill and at the end of 2002 was undergoing treatment in a psychiatric hospital near Moscow. Yuriy Savenko, head of the Independent Psychiatric Association of Russia, and other human rights activists criticized Obukhov's 2001 trial, charging that political considerations and pressure from the FSB influenced the psychiatric evaluation supervised by the Ministry of Health.

In a positive development, on December 29, a jury in Krasnoyarsk acquitted physicist Valentin Danilov of charges of spying for China while working on a commercial contract. A number of observers attributed the acquittal to the fact that a jury heard the case.

There were no credible reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, or Correspondence

The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The Constitution permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. A 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedures Code implemented others; however, problems remained. Authorities continued to infringe on citizens' privacy rights. There were reports of electronic surveillance by government officials and others without judicial permission. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against authorities who violated these safeguards.

In 1999, Internet service providers were required to install, at their own expense, a device that routes all customer traffic to an FSB terminal. Providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While the framers of this "System for Operational Investigative Measures" (SORM-2) claimed that the regulation did not violate the Constitution or the Civil Code, because it required a court order to authorize the FSB to read the transmissions, there appeared to be no mechanism to prevent unauthorized FSB access to the traffic or private information without a warrant. In 2000, Communications Minister Leonid Reyman

issued an order stating that the FSB was no longer required to provide telecommunications companies and individuals documentation on targets of interest prior to accessing information. Human rights activists suggested that this order only formalized existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. Despite the 2000 Supreme Court ruling upholding the requirements that the FSB conduct monitoring only by court order, the oversight and enforcement of these provisions were inadequate in practice.

A Doctrine of Information Security of the Russian Federation that President Putin signed in 2000, although without legal standing, indicated that law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications. Human rights observers continued to allege that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power to gather compromising materials on political and public figures, both as political insurance and to remove rivals. They accused persons in these agencies, both active and retired, of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and food from houses in regions that they controlled (see Section 1.g.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

The indiscriminate use of force by government troops in the Chechen conflict has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. President Putin announced in 2001 the successful completion of the active military phase of the struggle against separatism in Chechnya and stated that an anti-terrorist operation under the direction of the FSB would begin immediately. The security situation prevented most foreign observers from traveling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.).

Federal authorities--both military and civilian--have limited journalists' access to war zones since the beginning of the second war in Chechnya in October 1999. Most domestic journalists and editors appeared to exercise self-censorship and avoided subjects embarrassing to the Government with regard to the conflict (see Section 2.a.). Human rights observers also faced limitations in access to the region (see Section 4). These restrictions made independent observation of conditions and verification of reports very difficult and limited the available sources of information concerning the conflict. However, human rights groups with staff in the region continued to release credible reports of human rights abuses and atrocities committed by federal forces during the year. A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting when combating rebels. There were no reliable estimates of the number of civilians killed as a result of federal military operations; estimates of the totals since 1999 varied from hundreds to thousands. It was also impossible to verify the number of civilians injured by federal forces.

Mopping up or "cleansing" operations known as "zachistki" continued periodically throughout the year, although federal forces shifted tactics toward more targeted operations. Although this change reduced large-scale abuses that often accompanied zachistki, human rights organizations indicated that disappearances of those detained in these raids continued. Human rights activists, including Memorial, reported that federal forces continued to ignore order #80, issued in 2002, which established rules on how to carry out passport checks and mopping-up operations. That order required that the military forces have license plates on their vehicles when entering a village, that military personnel should be accompanied by a representative of the Procuracy and local officials, that they identify themselves when entering a house, and that lists be made and shared with local authorities of all persons arrested during a mopping-up operation. For example, in January, federal forces conducted a sweep in the town of Argun. According to reports, the federal forces dragged residents from their beds and took them to a quarry where they detained and tortured them. Relatives of the detained found two bodies that had been blown up in the quarry. Residents were able to identify one of the bodies as a resident whom federal forces had arrested. Only after mass protests in Argun were most of those detained released. All of them showed signs of physical abuse and required medical attention.

According to the NGO Memorial, in March, in the village of Alkhan-Yurt, armed men in armored personnel carriers arrested two Chechen police officers. Their bodies were found 8 days later riddled with bullets and showed signs of having been tortured by electric shocks.

Federal forces and police conducted security sweeps in neighboring Ingushetiya that also resulted in reported human rights violations and disappearances. In June, Federation and pro-Moscow Chechen forces conducted at least seven operations in Ingushetiya, according to HRW. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed these operations. In August, pro-Moscow Chechen police abducted five men from a polyclinic in Ingushetiya. According to reports, police burst into the clinic firing weapons. One of those detained was wounded. One of the policemen struck a doctor with a rifle. As of October 1, the whereabouts of the five were unknown. Ingush prosecutors opened a criminal case.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since 1999; there were many civilian landmine casualties in Chechnya during the year.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and noncombatants alike. Federal forces were also believed to be responsible for the killing of Umar Zabiev, a civilian, in June near the Ingush village of Galashki. Heavy machine gun fire hit the car in which Zabiev, his brother, and his mother were riding as they were returning home. The gunfire was believed to come from a nearby column of armored vehicles. Umar Zabiev stayed with his injured mother and sent his brother to bring help. When villagers arrived a short time later, Umar was missing. His body was found the next morning bearing clear marks of torture and gunshot wounds. Police searching the area found more than 100 spent cartridges and other items that indicated the presence of Federation military personnel.

Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished.

Federation forces continued to use antipersonnel mines in Chechnya. Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties in 2002, including 125 deaths. The casualties included 938 children. By comparison, there were 2,140 landmine casualties in 2001.

There were additional discoveries of mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya. There were no reports by year's end that the Government intended to investigate earlier cases. Memorial reported that in February, near the village of Kapustino, the bodies of seven men were found, and each showed signs of violent death; five of the deceased men were identified as having been arrested during 2002 by men believed to be Federal security officers. In August, villagers in Staryy Atagi witnessed a body thrown out of an armored vehicle and then blown up. They found body fragments at the site that were later determined to be the remains of a man arrested by Federal forces.

Large numbers of individuals were declared missing during the year, although estimates of the total number varied (see Section 1.b.). Of 267 persons declared missing during the first 6 months of the year, law enforcement agencies had solved 5 of these cases. HRW and other NGOs estimated that nearly 60 persons disappeared every month in Chechnya.

On March 15, human rights activist Imran Ezhiev, the head of the regional office of the Russian-Chechen Friendship Society and a regional representative of the Moscow Helsinki Group, was kidnapped by unidentified armed, masked men in Chechnya and held for 3 days before being released (see Section 4).

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities sorted out fighters or those suspected of aiding the rebels from civilians. Federal forces reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars. According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDPs) reported that guards at checkpoints forced them to provide payments or harassed and pressured them. There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGOs who visited Chechnya reported little evidence of federal assistance for rebuilding war-torn areas.

There were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions (see Section 1.d.). According to reports, of the 1,700 cases filed against servicemen by military procurators, 345 had been halted for various reasons, including amnesties, and 360 had been handed over to the courts. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

According to Russian Justice Minister Yuriy Chaika, from the start of the conflict through November, 54 servicemen, including 8 officers, had been found guilty of crimes against civilians in Chechnya. Four servicemen, including three officers, were on trial for murder charges over the 2002 deaths of six Chechen civilians in a court in the southern city of Rostov-on-Don.

Memorial concluded that the majority of cases opened for alleged crimes by Federation servicemen against civilians resulted in no charges. Cases were closed or investigations suspended because of the absence of the bodies or because of an inability to identify a suspect. In a trial widely regarded as a test case, a military court, on July 25, convicted Colonel Yuriy Budanov of charges of kidnapping, murder, and abuse of authority in the death of an 18-year-old Chechen woman. Budanov, the highest-ranking officer tried for crimes in Chechnya, was sentenced to 10 years in prison. The ruling represented a positive step, although the sentence was a relatively lenient punishment for murder. In 2002, the court had ruled that Budanov was temporarily insane at the time of the killing. At that time, prosecutors asked the court to drop the murder charges. Those prosecutors were later replaced, and the new prosecution team and lawyers for the girl's family successfully appealed the decision, leading to the new trial in which Budanov was convicted.

The Government announced an amnesty program as part of an effort to persuade Chechen fighters to lay down their weapons. The offer of amnesty was also extended to Federation soldiers and police accused of crimes in Chechnya. After the September 1 deadline passed, government officials announced that 195 Chechens had applied for amnesty. Officials further announced that 225 Federation servicemen and police officers had applied.

Individuals seeking accountability for abuses in Chechnya became the targets of government forces. According to Memorial, government troops in May killed Zura Bitieva and five members of her family in the Kalinovskaya settlement. Bitieva had actively campaigned against the Federation military and its human rights violations during the first war and at the start of the second war. Authorities arrested her in January 2000 and held her for 1 month in the filtration camp at Chernokosovo. Following her release, she filed a case with the ECHR. In February, she had been one of a group of women who demanded an investigation of a reported mass grave near the Kapustino settlement. In March, Bitieva's husband and their son were charged with possession of narcotics and put on trial shortly before they were killed.

In response to international criticism of the human rights situation in Chechnya, the Government established several federal bodies to examine alleged domestic human rights violations. An Independent Commission on Human Rights in the Northern Caucasus headed by the Chairman of the State Duma Committee on Legislation maintained a number of offices in Chechnya and Ingushetiya. A Special Presidential Representative for Human Rights in Chechnya appointed by President Putin had branches in Moscow and in Chechnya to take complaints about alleged human rights violations. These two organizations heard hundreds of complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes.

Chechen rebel fighters also committed serious human rights abuses. According to various reports, they killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, Chechen fighters killed elderly Russian civilians for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating these incidents.

During the year, Chechen rebels carried out several bombings, and terrorist acts, including suicide bombings, increased. In May, a truck bomb outside the regional government building in Znamenskoye, Chechnya, killed 59 persons. Terrorist Shamil Basayev, a Chechen commander, claimed responsibility. Two days later, a woman blew herself up at an Islamic festival in Chechnya attended by then-Head of Administration Kadyrov. The blast killed 16 people. In June, a woman detonated explosives next to a bus shuttling Russian military and civilian personnel to an

air base in North Ossetia. In July, 2 women detonated explosives while standing at the gates of a rock festival, killing 16 others. In August, suicide bombers drove a truck laden with explosives into a military hospital in Mozdok, killing 50 people, including wounded soldiers. In September, a car bomb exploded outside the headquarters of the Ingush branch of the FSB, killing three people. In Moscow, a bomb disposal expert died when a bomb outside a restaurant went off as he approached. Police had found the bomb when they detained a woman from Chechnya as she tried to enter a downtown restaurant. Chechen fighters planted landmines or used improvised explosives that killed or injured federal forces and often provoked federal counterattacks on civilian areas. On December 9, a woman believed to be from Chechnya, blew herself up in front of the National Hotel, killing 6 and wounding 14 persons. The bomber reportedly asked where the State Duma was located before detonating her explosives in front of the hotel; the National Hotel is located 170 yards from the Kremlin.

In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, the rebels sometimes beat them or fired upon them. Chechen fighters also targeted civilian officials working for the pro-Moscow Chechen Administration. In October, they killed the mayor of Shali, Musa Dakayev, and his son when they fired upon their car. The media reported that Dakayev was the fourth mayor of a Chechen town killed within 6 months. Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Government-supported Chechen administration. According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Chechen fighters launched numerous attacks on government forces and police in Ingushetiya during the year.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnapping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Officials continued to maintain that there were 200 to 300 foreign fighters in Chechnya.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives (see Section 5).

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya and exerted pressure on them to return to Chechnya (see Section 2.d.). As of September, the United Nations High Commission for Refugees (UNHCR) estimated that 75,651 displaced persons remained in Ingushetiya and 141,000 IDPs.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties as well as increased pressure from the Government and large private companies with links to the Government, many media organizations saw their autonomy weakened further during the year. By a variety of means, the Government continued to exert influence over national television and radio, the most widespread sources of information for the public, particularly in television coverage of the parliamentary elections during the year. The public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the Government generally respected freedom of expression, this did not always extend to sensitive issues such as the conduct of Russian forces in Chechnya or to discussions of religion. For example, the August reorganization of VTsIOM, an independent, commercially-viable, state-owned, polling agency, was widely seen as an attempt to eliminate an independent source of information about issues such as political party ratings and public opinion on the war in Chechnya. The Government depicted the reorganization as part of its program to privatize State enterprises, but the new board of directors was comprised of officials from the ministries and the presidential administration. However, the original VTsIOM reorganized under the name of VTsIOM-A and continued to conduct polls and publish their results. In October, a Moscow movie theater cancelled an independent film festival on Chechnya, reportedly out of concern that the films would offend the Kremlin. The Sakharov Center Director, one of the film festival's organizers, accused Russian authorities of pressuring the movie theater into canceling the event.

Following the vandalism of an exhibit on religious art at the Sakharov Center in Moscow in January, prosecutors

launched criminal proceedings against two senior officials of the Center and three of the exhibit's artists. On December 25, prosecutors formally charged the Center's Director with inciting religious and ethnic hatred. Although police detained the six vandals responsible for defacing the art exhibit, they pressed charges against only two. A Moscow court dismissed the charges, ruling that the vandals had the right to express their disgust at the exhibit.

At times, the authorities exerted pressure in a number of ways on journalists, particularly those who reported on corruption or Chechnya, or criticized officials.

Five of the six national, and more than 20 percent of the 35,000 registered local, newspapers and periodicals remained in private hands; however, the Government attempted to influence the reporting of independent publications. Only approximately one-fourth of the 750 television stations in the country remained in private hands, and the Government indirectly influenced most private media companies through partial government ownership of federal and local-level commercial structures, including the gas monopoly Gazprom and the oil company Lukoil, which in turn owned large shares of media companies.

Of the three national television stations, the State owned the Rossiya Channel (RTR) and a majority of First Channel (ORT). The Government owned a 38 percent controlling stake of Gazprom, which in turn had a controlling ownership stake in the third national television station, the prominent, privately owned NTV. It also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossii and news agencies ITAR-TASS and RIA-Novosti.

The Government exerted its influence most directly on state-owned media. As in 2002, the senior staff of RTR, one of the country's two largest networks, reported that managers offered "guidance" to program announcers and selected reporters, indicating which politicians they should support and which they should criticize. Criticism of presidential policies was strongly discouraged and even prohibited. Correspondents claimed that senior management at times asked them to obtain senior management approval for reports on sensitive political matters prior to broadcasting, and that "negative" language was occasionally edited out. At times, high-level Presidential Administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

OSCE election observers noted that during the parliamentary election campaign, state-owned television networks actively promoted candidates from United Russia, the political party of the presidential administration, without providing comparable coverage for candidates from other parties.

Of the regional print media monitored by the OSCE observers, 19 of 24 were described as giving clear support to United Russia.

During the year, the Government enhanced its influence over NTV, once owned by Vladimir Gusinskiy but taken over in 2001 by Gazprom Media, the media arm of government-owned gas monopoly, Gazprom. Although NTV lost a number of popular shows and announcers following the Gazprom Media takeover, and viewership declined, the network remained among the four leading television stations. Under a new Chief Executive Officer (CEO), financier Boris Jordan, NTV continued its coverage of controversial topics, and Jordan undertook measures that made it possible for NTV to break even in 2002 for the first time since the station was established in 1993. However, in January, Gazprom abruptly fired Jordan as head of Gazprom Media, a move some media analysts attributed to NTV's coverage of the Moscow theater hostage crisis in November 2002. Shortly afterward, Jordan resigned as the head of NTV. Media analysts said that Aleksandr Dybal, who was endorsed by the Kremlin to replace Jordan as head of Gazprom Media, took steps to ensure NTV's loyalty to the Government. Although NTV has preserved its relatively balanced approach to news reporting, analysts claimed that the change in the network's top management made it more susceptible to government pressure.

In June, the Press Ministry took TV Spektrum (TVS), the only remaining nationwide non-state affiliated channel, off the air and assigned the frequency on a temporary basis to the state-owned Sports Channel. In spite of the initial high public interest in TVS, many of whose personnel had originally been associated with NTV before the Government takeover, the network was unable to compete with first-tier networks, and its ratings plummeted. Unable to challenge the monopoly of the advertising giant Video International (VI), reportedly controlled by Media Minister Mikhail Lesin, TVS managed to raise only a fraction of the anticipated advertising revenues. Disputes among the shareholders over editorial and business issues aggravated TVS' problems. In May, TVS was disconnected from the Moscow cable network in a debt dispute, thereby losing the most valuable segment of the advertising market. By June, unpaid wages and growing debts to program producers led to the departure of many popular journalists and highly rated shows. In an official statement, the Press Ministry said TVS was taken off the air because of financial problems and to protect viewers' interests. Observers interpreted the move as an attempt

to destroy the last remaining non-state national broadcaster, although some media analysts said that Lesin wanted to take TVS off the air so that he could control the sixth frequency and monopolize the lucrative advertising for VI.

A number of journalists were beaten, killed, or reported missing for reasons that may have been associated with their journalistic activities. The journalists had published critical information about local governments and influential businesses or reported on crime and other sensitive issues. According to the Moscow-based Glasnost Defense Foundation, 10 journalists were killed during the year under mysterious circumstances, and 96 were physically attacked. An Agence France-Presse correspondent was kidnapped in Ingushetiya and had not been freed by year's end. The Glasnost Defense Foundation, together with Journalists without Borders and the Committee to Protect Journalists (CPJ), also documented numerous cases of censorship and police intimidation of media personnel. In most cases where assailants attacked journalists physically, authorities and observers were unable to establish a direct link between the assault and those who reportedly had taken offense at the reporting in question. As in 2002, independent media NGOs characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

On January 4, two off-duty policemen in Moscow beat Vladimir Sukhomlin to death in what was apparently a contract killing. Sukhomlin was a computer programmer, who had founded the Military History Forum website, Serbia.ru, and Chechnya.ru. The accused faced a maximum punishment of 15 years in prison for activities resulting in "the death of the victim because of negligence." The police did not explain why the charges had been downgraded from murder. Sukhomlin's friends and relatives believed that the murder was related to Sukhomlin's journalistic activities.

On April 18, Dmitry Shvets, deputy head of TV-21 in Murmansk, was shot dead outside the station's offices. Media reports quoted anonymous sources saying the killing was politically motivated. Media defense advocates noted that the channel had previously received threats from unknown sources, specifically against another TV-21 journalist, Oleg Motsokin.

On July 18, journalist Alikhan Guliyev was shot and killed in Moscow. Since arriving in Moscow from Ingushetiya in the summer of 2002, Guliyev had worked as a freelance journalist covering Chechnya for TV Tsent and the daily newspaper Kommersant. While in Ingushetiya, Guliyev had worked for the public television station Grozny State Television and Radio (GTRK). In early 2002, Guliyev had filed a complaint against Ingushetiya's Interior Minister, Khamsat Gutseriyev, who was running for President of the Ingush Republic. Guliyev claimed Gutseriyev was ineligible to run while holding the office of minister of interior. The Supreme Court of Ingushetiya upheld the complaint and disqualified Gutseriyev as a candidate. In March 2002, unknown assailants fired upon Guliyev's car. A criminal investigation was initiated.

On October 9, two unknown assailants stabbed to death Aleksey Sidorov, editor-in-chief of the daily newspaper Tolyattinskoye Obozreniye published in Tolyatti, Samara region, near the entrance to his apartment building. Local police said that the assailants did not rob the victim. Sidorov succeeded Valeriy Ivanov, also killed in an apparent contract assassination in 2002. Local media and media advocacy organizations linked his death to his newspaper's investigative reporting on Tolyatti authorities' connections with the city's criminal groups, whose activities center on the Tolyatti-based VAZ automobile plant. Police subsequently arrested and charged a factory worker with the crime, but a number of observers, including media experts and a lawyer representing Sidorov's family, were skeptical about the Government's case.

High profile cases of murdered or kidnapped journalists from earlier years remained unsolved. The cases of missing or murdered journalists from 2002 include: Natalya Skryl, correspondent for the Taganrog newspaper Nashe Vremya; Sergey Kalinovskiy, editor-in-chief of the newspaper Moskovskiy Komsomolets-Smolensk; Valeriy Ivanov, editor-in-chief of Tolyattinskoye Obozreniye; Aleksandr Plotnikov, founder of the newspaper Gostinyi Dvor; Chuvash reporter Nikolay Vasilyev; Igor Salikov, head of information security for Moskovskiy Komsomolets-Penza; Yuriy Frolov, deputy director of Propaganda Publishing; and Ilyas Magomedov, head of the independent station, Grozny Television. The cases of murdered journalists from 2001 include: Vladimir Kirsanov, a local newspaper editor from Kurgan, and Eduard Markevich, editor of Novyye Reft in Reftinskiy.

As a result of consistent pressure applied by authorities over the years to control reporting on Chechnya and corruption among officials, an overall tendency by media to censor their own reports on these issues continued during the year, particularly among state-controlled television. Authorities selectively denied journalists access to information, including, for example, filming opportunities and statistics theoretically available to the public. They withheld financial support from government media operations that exercised independent editorial judgment and attempted to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations. On occasion, they removed reporters from their jobs, brought libel suits against journalists, and



intimidated and harassed journalists.

The North Caucasus region continued to be one of the most dangerous regions for journalists. Kidnapping and assaults remained serious threats. On July 4, in Ingushetiya, Ali Astamirov, a Chechen correspondent for AFP, was kidnapped by unknown armed assailants and has not been heard from since. Astamirov was based in Nazran, the capital of Ingushetiya, and had been reporting on Chechnya and Chechen refugees. He previously worked for Grozny Television in Chechnya. In October, the media defense organization Reporters Without Borders called on the COE and the OSCE to intercede with the Russian authorities to intensify their efforts to find Astamirov.

The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations, including media outlets owned by the federal, regional, and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state-controlled energy giants United Energy Systems and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. The continuing financial difficulties during the year of most news organizations exacerbated this problem, thereby sustaining their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this dependence, the autonomy of the media, and its ability to act as a watchdog, remained weak.

During the year, private media organizations and journalists across the country often remained dependent on the Government for transmission facilities and access to property, printing and distribution services. As in 2002, the media advocacy group Glasnost Defense Foundation (GDF) reported that approximately 90 percent of print media organizations relied on State-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area.

In August, a state-owned printing plant in the Ryazan region refused to print the local newspaper Meshcherskaya Nov, citing an order of the regional administration. Meshcherskaya Nov journalists linked the administration's move to the paper's frequent criticism of the administration's performance.

Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGOs documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters. Journalists continued to depend on local authorities for accreditation to major news events. There were widespread reports that authorities showed favoritism toward reporters associated or aligned with the federal or local administration and denied access to journalists representing independent media organizations. In Velikiy Novgorod, in April, the only invitee to a meeting with Nikolai Krasilnikov, head of the Natural Resources and Environmental Protection Division in the Russian Natural Resources Ministry, was Lyudmila Petrishchyova, editor-in-chief of the municipal newspaper, Velikiy Novgorod. Krasilnikov refused to talk with correspondents of the independent newspapers Russkiy Karavan and Novyi Obyvatel', pleading lack of time. The media advocacy group Center for Journalism in Extreme Situations believes the independent publications were kept out of the meeting because of previous reporting that had revealed widespread violations of federal and local environmental protection legislation.

In September, State Duma deputies and journalists petitioned the Constitutional Court to overturn a series of clauses in the voters' rights law that restrict the media's ability to carry out objective reporting during the Duma campaign. The Duma Deputies and journalists argued that the legislation was limiting their ability to fulfill their professional duties. At the end of October, a court decision struck down one clause of the controversial law "on basic guarantees of voters' rights," which was followed 2 days later by a statement from President Putin in support of the Court's ruling. The impact of the decision, issued only 1 month before the election, was minimal--journalists engaged in self-censorship throughout the campaign.

Authorities on the federal and local levels continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. The GDF estimated that nearly 300 hundred such cases were brought during the year. In June, Konstantin Sterledev and Konstantin Bakharev, two reporters for the Perm daily newspaper Zvezda, went on trial, accused of revealing state secrets. In 2002, the reporters had published articles regarding methods allegedly

used by the regional office of the FSB. Freimut Duve, the media representative for the OSCE, wrote a letter to Foreign Minister Igor Ivanov and Presidential Envoy to the Volga Federal District Sergey Kiriyenko asking their views on the trial. Members of the British PEN organization asked President Putin and Justice Minister Yuriy Chaika to have the case thrown out, because they believed that the trial contradicted international freedom of speech standards. In July, the Perm regional court acquitted Sterledev and Bakharev. The regional prosecutor's office appealed the acquittal to the Supreme Court that upheld the acquittal in a November ruling.

Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government.

With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines and occasionally in jail terms. In August, a Chelyabinsk district court sentenced German Galkin, deputy editor of Vecherniy Chelyabinsk daily, to one year in a hard labor camp as a result of a libel suit filed in June 2002 by Vice Governors of Chelyabinsk region, Konstantin Bochkaryov and Andrey Kosilov. Three articles published in Rabochaya Gazeta in 2002 accused the officials of corruption and links to organized crime, but Galkin was not listed in bylines for the articles and denied having written them. According to GDF, Galkin was the first journalist in the post-Soviet era to be jailed for libel. International media defense representatives from Reporters Without Borders, the CPJ, the COE, and the OSCE expressed their concerns about the severity of the sentence, which they believed could have a chilling effect on freedom of expression and information and freedom of the media. At Galkin's appeal, on October 6, the Kalininskiy District Court of Chelyabinsk upheld the sentence, but Galkin planned an appeal to a higher court. The sentence was upheld, but suspended on appeal, and Galkin was released.

GDF reported that in June, the Kyzyl city court in the Republic of Tuva upheld an earlier ruling by a Kyzyl district court, which had sentenced Stanislav Pivovarov to a suspended 1-year prison term for insulting Tuva Prime Minister Sherig-Oola Oordzhak. Pivovarov, a local politician who contributed articles to the Stolitsa newspaper, appealed the ruling to the Tuva Supreme Court. According to the Glasnost Foundation, no revision of the court's decision was expected.

In August, the Supreme Court acquitted Olga Kitova of libel charges and upheld charges of assaulting a police officer. Kitova was a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament. Authorities harassed her for her reporting on regional government officials. Police arrested her twice in 2001, and she suffered a heart attack while being held in pretrial detention. Previously she had received a 2½-year suspended sentence on libel charges, and, in July 2002, the Supreme Court reduced her extended jail time by 5 months. Kitova was living in Moscow and employed by the daily newspaper Russkiy Kuryer at year's end.

In May the Military Collegium of the Supreme Court overturned the 2002 acquittal of six men accused of organizing the 1994 murder of Dimitriy Kholodov, military affairs correspondent for the news daily Moskovskiy Komsomolets. The Supreme Court ruled that the Moscow Circuit Military Court had "failed to take all available evidence into account," in particular, testimony of one defendant, who stated that then-Minister of Defense Pavel Grachev asked him to "deal with Kholodov" because of the journalist's coverage of corruption in the military.

Novaya Gazeta reporter Anna Politkovskaya, who gained international recognition and received death threats because of her reporting on Chechnya, was forced into hiding in 2001. In October 2002, she received e-mail death threats signed "Kadet," the nickname for Sergey Lapin, a member of the OMON (special forces unit of the Ministry of Interior). On March 4, the prosecutor's office in Nizhnevartovsk dropped the criminal charges against Lapin, citing evidence that Viktor Didenko, who died in 2002, had sent the e-mail threats to Politkovskaya and had signed them with Lapin's nickname.

In September, in Krasnoyarsk, police detained Valeriy Zabolotskiy, a photographer from the local daily Krasnoyarskiy Rabochiy, who was taking pictures for his newspaper. Police claimed that Zabolotskiy was taking photos of police. The journalist was released later that day.

On April 8, a Media Industrial Committee composed of heads of major media organizations adopted an Anti-terrorist Convention, a set of self-imposed rules of reporting on terrorist acts. The Convention established a priority of human life over press freedom, required journalists to report sensitive information to authorities, obliged journalists to seek approval from authorities to interview terrorists, and prohibited live broadcasts of terrorists.

In June, the Press Ministry extended for an additional 5 years Radio Free Europe/Radio Liberty's (RFE/RL) broadcasting license, which was due to expire July 3. In October 2002, President Putin revoked a 1991 presidential decree that authorized RFE/RL to open a permanent bureau in Moscow and instructed the Ministry of Foreign

Affairs to accredit RFE/RL. According to press reports at the time, President Putin attributed the decision to revoke the 1991 decree to a desire to put all foreign bureaus on the same legal footing and to the belief that the 1994 law on mass media has made then-President Yeltsin's 1991 decree obsolete. Some media advocacy groups associated President Putin's revocation with RFE/RL broadcasts to Chechnya.

On October 30, the Russian Constitutional Court struck down a controversial provision of the law "On Basic Guarantees of Electoral Rights." The provision would have made it possible to close media organizations for campaigning for or against candidates, for disseminating information about candidates not related to their professional duties, and for any activity "forming positive or negative attitudes towards a candidate." The court drew a distinction between the concepts of election canvassing and information. Under the amended version of the law, only those statements published in the media that have been proven by court to be aimed at supporting a certain candidate constitute election canvassing. The court ruled that a positive or negative opinion of a candidate or the expression of preference for a candidate does not in itself constitute election canvassing. Although the Constitutional Court demonstrated relative independence in this decision, the damage had already been done. With only 1 month left in the election campaign at the time of the ruling, journalists continued to practice self-censorship through the end of the campaign (see Section 3).

There were no discernible repercussions on the press from the Security Council's June 2000 Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.). However, many observers continued to view it as an indication that the Kremlin considered the media to be subject to the administration and control of the Government.

The Duma made no further attempts at passing an amendment introduced after the October 2002 Dubrovka theater seizure that would have restricted reporting on anti-terrorist operations. In response to widespread criticism from the media and other organizations, President Putin had vetoed an earlier amendment passed by the Duma in November 2002.

Government efforts to limit critical coverage of its attempt to subdue what it regarded as a security threat posed by the rebellion in Chechnya were widely seen as a major impetus for its pressure on the media. Confiscations of records and equipment and efforts by federal and regional authorities--both military and civilian--to limit journalists' access to war zones continued. On September 3, Akmed Kadyrov, the Kremlin-appointed head of Chechnya, combined the nationalities ministry with the press ministry, fired his press minister, Bislan Gantamirov, and appointed his campaign manager, Taus Dzhabrailov, as the head of the newly combined ministry. The next day, Kadyrov's security forces surrounded the headquarters of GTRK, a station created in March by Gantamirov, and prevented journalists from leaving the building with microphones, cameras, and other equipment needed to conduct television interviews. Kadyrov's forces told the journalists that they would not be allowed to leave the building with equipment that belonged to the State. Press reports quoted GTRK deputy director Islam Musaev as saying all the radio journalists had resigned, while other reports said a majority of the television journalists had resigned. The reorganization and management change occurred after Gantamirov publicly endorsed Kadyrov's rival in the presidential race.

Internet access appeared to be unrestricted, but the Government required Internet service providers to provide dedicated lines to the security establishment so that police could track private e-mail communications and monitor Internet activity. SORM-2 continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government did not restrict academic freedom; however, during the year human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and the Government generally respected this right in practice; however, at times local Governments restricted this right.

Organizations were required to obtain permits in order to hold public meetings, and the application process had to be initiated between 5 and 10 days before the scheduled event. Although religious gatherings and assemblies did not require permits, in at least one case the Jehovah's Witnesses organization in Yuzhno-Sakhalinsk was fined for meeting without a permit. While the Ministry of Justice readily granted permits to demonstrate to both opponents and supporters of the government, some groups were either denied permission to assemble or had their permission withdrawn by local officials after Ministry of Justice officials had issued them.

On April 15, police beat participants from an ultra-nationalist organization who were engaged in an unsanctioned demonstration to protest the celebration of St. Petersburg's 300th anniversary. Three of the protesters were beaten so seriously that they had to be hospitalized (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice.

By law, political parties must have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

In February, the authorities banned the Islamist party Hizb ut-Tahrir for having terrorist connections and seeking to overthrow the Government. In April, the authorities launched a crackdown on the party, rounding up 55 leaders and members of the group in the capital by year's end. Party members denied the charges against the organization and called the raids an example of persecution. The FSB announced that the raid had resulted in the discovery of extensive munitions.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, in some cases the authorities imposed restrictions on some groups. Although the Constitution provides for the equality of all religions before the law and the separation of church and state, the Government did not always respect this provision in practice.

There were continuing indications that the security services were treating the leadership of some minority religious groups, particularly Muslims and Roman Catholics, as security threats (see Section 2.b.).

Many religious minority groups and NGOs complained of what they believed was collusion between the Russian Orthodox Church and the state. Neither the Constitution nor the 1997 law accords explicit privileges or advantages to "traditional religions;" however, many politicians and public figures argued for closer cooperation with them, above all with the Russian Orthodox Church's Moscow Patriarchate. Public statements by some government officials, including President Putin, and anecdotal evidence from religious minority groups, suggested that the Russian Orthodox Church increasingly enjoyed a status that approached official. The Church has entered into a number of agreements with government ministries giving it special access to institutions such as schools, hospitals, prisons, the police, the FSB, and the army. The Russian Orthodox Church appears to have had greater success reclaiming pre-revolutionary property than other groups, and many religious workers believed that the Russian Orthodox Church played a role in the cancellation of visas held by non-Orthodox foreign religious workers.

A 1997 law regulating religious practice limits the rights, activities, and status of religious "groups" existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for "organization" status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of juridical status). Groups that were unregistered previously, including groups new to the country, were severely hindered in their ability to practice their faith. The Ministry of the Justice reported that, as of January, 20,448 organizations were registered. While isolated difficulties with registration continued to appear in different regions around the country, human rights lawyers and representatives of religious minorities reported that such difficulties related to the 1997 law decreased during the year. Local courts have upheld the right of non-traditional groups to register or reregister in a number of cases.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice. In some areas such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harassment.

On April 7, a community of Jehovah's Witnesses was able to register after a local court overturned the authorities' earlier refusal. However, the Jehovah's Witnesses have been denied registration in Cheboksary (a city in Chuvashiya) and Tver. A lawyer for the Jehovah's Witnesses noted that registration issues were not the real problem--the real problem was the Moscow community case. In Moscow, efforts to ban Jehovah's Witnesses have led to continuous litigation in several Moscow district courts. Pending the outcome of a court-ordered study to determine the potential negative effects of Jehovah's Witnesses literature on society and a random survey to further evaluate these effects and assess the public's attitudes towards the religion, Jehovah's Witnesses in Moscow were not allowed to reregister. Lawyers for the Jehovah's Witnesses organization appealed to the ECHR, which in turn requested a response by September. As a result, they continued to experience problems in leasing

space.

Many other religious groups continued to contest administrative actions against them in the courts. While such cases were often successful in court, administrative authorities were at times unwilling to enforce court decisions. While the Moscow authorities have not yet permitted the Salvation Army to reregister, the group continued to operate at year's end.

The Moscow branch of the Church of Scientology has not been permitted by the Moscow authorities to reregister and was threatened with liquidation. The Scientologists filed a suit with the European Court of Human Rights (ECHR) against the liquidation order and has continued to avoid liquidation.

The Church of Jesus Christ of Latter-day Saints (Mormons) had succeeded in registering more than 45 local religious organizations as of June 30; however, in several regions local officials impeded registration. For example, the Mormons have attempted unsuccessfully to register a local religious organization in Kazan, Tatarstan, since 1998.

Although media, NGO reports, and government officials reported that many local Muslim religious organizations were unable to reregister before the December 2000 deadline, spokespersons for the country's two most prominent muftis stated that most Muslim religious organizations that wanted to register were able to do so.

Human rights groups and religious minority groups have criticized the Procurator General for encouraging legal action against some minority religions and for giving an imprimatur of authority to materials that were biased against Jehovah's Witnesses, Mormons, and others. The FSB, the Procurator, and other official agencies have conducted campaigns of harassment against Catholics, some Protestant groups, and newer religious movements. Churches faced investigations for purported criminal activity, landlords were pressured to renege on contracts, and in some cases the security services were thought to have influenced the Ministry of Justice to reject registration applications.

Mainstream politicians, such as Duma Deputy and leader of the Communist Party of the Russian Federation Gennadiy Zyuganov, also made anti-Semitic comments in the press. Communist Duma deputy Vasilii Shandybin has often made derogatory public references to Jews. Anti-Semitic themes also figured in local election campaigns.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered "nontraditional" appeared regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court against charges by local authorities that they were engaging in harmful activities. The director of the Dianetics Center in Khabarovsk was convicted on criminal charges of the illegal practice of medicine and received a suspended 6-year sentence; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. In other cases, authorities at times were slow to carry out, or refused to carry out, such rulings and in many cases appealed the rulings.

Sergey Volkov, whom the authorities described as a specialist in "sects," stated that approximately 10 Jehovah's Witnesses were in the psychiatric hospital in Penza, where doctors were trying to "return to them their mental health."

Pentecostal representatives reported that the head of the Khabarovsk administration's Department of Religion continued to engage in a campaign of harassment, hindering the church's registration efforts and imposing extensive bureaucratic requirements on visiting missionaries. Harassment by officials included an organized roundtable to discuss the negative effects of the religion.

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country.

Some local and municipal governments prevented religious groups, including congregations of Jehovah's Witnesses, Protestants, Catholics, Mormons, and Hare Krishnas from using venues suitable for large gatherings and from acquiring property for religious uses. Representatives of Jehovah's Witnesses reported that in July,

despite agreements reached with local authorities for large events in local stadiums in Pyatigorsk and Nizhny Novgorod, police intervened to prevent the meetings, blocking the entrances to several thousand persons in both cases. The authorities cited security concerns. Jehovah's Witnesses reported continuing difficulties obtaining permission to build. Local officials in Sakhalin continued a campaign to deprive Jehovah's Witnesses use of their existing prayer house. The matter remained in the courts as of year's end; meanwhile, the congregation was fined for using the premises. A "temporary ban" on the Catholic Church's attempts to build a church in Pskov remained in effect.

There were instances in which local officials detained individuals engaged in the public discussion of their religious views, but the individuals were released quickly.

The Government also continued to deny foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities. During the year, religious organizations, particularly Roman Catholics and Protestants, experienced difficulties obtaining long-term visas for their employees and missionaries. These difficulties appeared to have commenced in late 2002, when a "Law on Foreigners" transferred some responsibilities for issuance from the Ministry of Foreign Affairs to the Ministry of the Interior. While most such groups had been able to obtain year-long visas in earlier years, many were only able to obtain 3-month visas during the year, obliging many longer-term foreign employees to make frequent trips abroad to renew their visas.

In March, a Moscow court rejected contentions that a textbook published for use in public schools violated the law against inciting ethnic hatred. Bearing the title, *The Fundamentals of Orthodox Culture*, the textbook was released in 2002 for use in a government-sponsored course on religion in public schools. The course was not mandatory, but few took the step of opting out. Those who challenged the book said that it stereotyped Jews and was critical of other faiths. The authors had earlier indicated willingness to remove material offensive to Jews.

Continuing tensions between the Russian Orthodox Church and the Vatican often involved the Government. The Russian Orthodox Church denied involvement in the subsequent cancellation of the visas of five Catholic priests, including one bishop, but heatedly defended the cancellations as a government prerogative and an appropriate response to Catholic "encroachment." After Bishop Jerzy Mazur was replaced in the spring, Bishop Kirill Klimovich was officially appointed on April 17; he arrived in Irkutsk in May and was enthroned on June 15. Authorities no longer appeared to deny priests visas as a matter of policy but rather preferred to issue short, 3-month, visas in many cases, requiring a diocese to have two priests in order to maintain ongoing operations.

A law in Belgorod Oblast, affirmed by the Supreme Court, restricts missionary activity in the Oblast. Missionary activity is restricted in Belgorod oblast. The law also restricts the missionaries' use of local venues for religious meetings, and foreigners visiting the region were forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas. The Office of the Human Rights Ombudsman reported its disagreement with the law and attempted to convince the Belgorod court to reverse the decision. No cases were brought under this law during the year.

Representative offices of foreign religious organizations were required to register with state authorities. They were barred from conducting liturgical services and other religious activity unless they had acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices were not permitted to conduct religious activities and did not have the status of a religious "organization."

While religious matters were not a source of societal hostility for most citizens, relations between different religious organizations frequently were tense, particularly at the leadership level, and members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigated incidents of vandalism and violence, but arrests of suspects were extremely infrequent, and convictions were rare. Hostility toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks.

The number of underground nationalist-extremist organizations (as distinguished from such quasi public groups as Russian National Unity (RNE) appeared to be growing. According to the Ministry of the Interior, there were approximately 50,000 skinheads in the country, including 2,500 in Moscow. The primary targets of skinheads were foreigners and individuals from the Northern Caucasus, but they expressed anti-Muslim and anti-Semitic sentiments as well.

In May, Jehovah's Witnesses in St. Petersburg organized a meeting of 15,000 followers. After they heard that "anti-cult" activists might try to disrupt the event, Group leaders sought, but did not receive, added police support.

Instead, the police tried to cancel the event, claiming the group lacked documentation, but ultimately permitted it to take place.

The restitution of religious property seized by the Communist regime remained an issue. In accordance with a presidential decree, some synagogues, churches, and mosques have been returned to communities to be used for religious services. According to the Presidential Administration, since a 1993 decree on property restitution went into effect, 4,000 buildings have been returned to religious groups (of which approximately 3,500 were returned to the Russian Orthodox Church). According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question.

In June, the city of Orel approved the restitution of a synagogue in that city for which the local Jewish community had petitioned for a number of years. However, Krasnodar officials reportedly officially refused to return a city synagogue to the Jewish community. Instead, the head of the city Duma, Aleksandr Kiryushin, offered to sell the property to the community. A number of other religious communities continued to seek restitution of properties seized by the Communist Government.

Muslims, Catholics, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. In the case of Muslims and Jews, it was difficult to separate religious from ethnic motivations. Muslims, who form the largest religious minority, continued to face societal discrimination and antagonism in some areas. Discriminatory attitudes have become stronger since a group of Chechen rebels took 750 hostages in a Moscow theater in November 2002, and an explosion, blamed by the authorities on two Chechen women, killed 15 in a suicide attack on July 5. Women wearing Muslim headscarves were often stopped in the streets for document checks for no apparent reason. The authorities, the media, and the public have been quick to label Muslims or Muslim organizations "Wahhabists," a term that has become synonymous with "extremists." Human rights NGOs accused the authorities of cracking down on Muslim believers and others of traditionally Muslim ethnicity.

Numerous press reports documented anti-Islamic sentiment. At the end of July, the Russian Council of Muftis reportedly demanded action from the authorities to end the harassment and incitement of ethnic hatred against Muslims. According to press reports, on September 8, arsonists set fire to a mosque in Bratsk (Irkutsk region). Wooden planks were reportedly doused in flammable liquid and set against the building; nobody was injured. According to Rakhim Nabotov, Chair of Bratsk Muslim Community, there were two fire incidents during the year. After the second incident, the local police refused to investigate the site. Nabotov claimed he did not expect any help from the Bratsk local authorities and would be happy if they did not get in the way. Nabotov noted that the Muslim community in Bratsk was rather large--there were 18,000 Muslims in Bratsk out of a population of 450,000. According to him, ethnic hatred was a serious problem--Bratsk Muslims were being blamed for problems in Chechnya.

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer existed, Jews continued to face prejudice, social discrimination, and some acts of violence. The NCSJ reported that there were attacks on, and threats toward, Jews, Jewish leaders, and Jewish property, citing instances in Moscow, Ulyanovsk, Samara, and Voronezh. According to a press report, at the end of July, police successfully defused a bomb wired to an anti-Semitic placard by the side of a highway south of Moscow. There were similar incidents in 2002.

During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials. Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. These attacks usually were accompanied by swastikas and other ultra-nationalist symbols. For example, a human rights NGO reported that on August 5, vandals smashed windows and painted swastikas and anti-Semitic slogans on the Yaroslavl synagogue. This was the fourth attack on the synagogue during the year. According to the Jewish Cultural Center in Yaroslavl, there were two more attacks at the complex in May and June. On June 22, vandals celebrating the day when the Great Patriotic War began, smashed windows and painted anti-Semitic slogans. The Mayor of Yaroslavl allotted approximately \$3,000 (90,000 rubles) for reparations. According to a Jewish Cultural Center representative, the investigation classified these cases as hooliganism, but they could not confirm whether any of these cases were brought to a court.

Responses to anti-Semitic violence were mixed. Authorities often provided strong words of condemnation, but with a few exceptions, have preferred to label the perpetrators as terrorists or hooligans. Occasionally, the Government has redesignated these events as criminal acts resulting from ethnic hatred.

A large number of small, radical-nationalist newspapers are distributed throughout the country. They carry anti-Semitic, as well as anti-Muslim and xenophobic leaflets. Anti-Semitic themes continued to figure in some local

publications around the country, unchallenged by local authorities. Some NGOs claimed that many of these publications are owned or managed by the same authorities.

The Office of Human Rights Ombudsman Mironov includes a department dedicated to religious freedom issues. Mironov continued to criticize the 1997 Law on Freedom of Conscience and to recommend changes to bring it into conformity with international standards and with the Constitution.

As a consequence of beatings of an African-born Pentecostal pastor and the displacement of his congregation resulting from the burning of the church building in 2001 by unknown assailants, who were never apprehended, the congregation in the Moscow suburb of Checkov disbanded at mid-year (see Section 5).

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice, no such alternative exists. The Slavic Law Center handled several cases of persons who refused to perform military duty based on their religious convictions. According to the Jehovah's Witnesses lawyer in St. Petersburg, Jehovah's Witnesses were aware of 70 court cases where conscripts defended their rights not to serve in the military. Of these 70 cases, 29 were adjudicated in favor of the objector, 17 against, and 23 cases were still ongoing. Also, there were 10 (out of these 70 cases) criminal cases initiated against Jehovah's Witnesses who refused military service. Of these, 2 were convicted, 5 were acquitted, and 3 cases were ongoing at year's end.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country and migration, and there were some bureaucratic obstacles to foreign travel.

The Government has long had registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignored this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resembled the Soviet-era "propiska" (pass) regulations. Although authorities justified the rules as a notification device rather than a control system, their application produced many of the same restrictive results as the "propiska" system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country as well as persons with a legal claim to citizenship, who decide to move to the country from other former Soviet Republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue. Despite nearly 4 years of litigation, Moscow's registration requirement remained in effect, and the practice--which police reportedly used mainly as a means to extort money--continued at year's end.

Federal authorities restricted the entry of foreigners into the northern cities of Norilsk and Novoye Urengoy. While the federal constitution permits entry restrictions for reasons of state security, these cities requested the restrictions because of perceived economic benefits.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some other jurisdictions frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special OMON units, conducted frequent document checks, particularly of persons who were dark-skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker-skinned persons to be stopped at



random and for officers to demand bribes from those without residence permits (see Section 1.c.).

According to the Moscow Helsinki Group's 2001 human rights report, during 1989-90, approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during World War II, were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan where they had settled. At the end of 2002, an estimated 60,000 Meskhetian Turks remained in the country. Of these, more than 15,000 had settled in Krasnodar Kray, and approximately 700 had settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Kabardino-Balkariya Republic continued to deny the Meskhetian Turks the right to register, which deprived them of all rights of citizenship, despite provisions of the Constitution that entitle them to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, were subject to special registration restrictions; for example, they were required to register as "guests" every 45 days. The administration of Krasnodar Governor Tkachev appeared to be attempting to use economic measures to force the Meskhetians to leave the territory. According to Memorial, in the winter of 2001-02, the authorities prohibited them from leasing land and cancelled existing leases for the 2002 crop season. Other measures imposed on them included a prohibition on employment or commercial activity in local markets. According to Memorial, during the year, Meskhetian Turks police continued to subject them to document checks, detentions, and other harassment.

The Constitution provides all citizens with the right to emigrate. The Government imposed nominal emigration taxes, fees, and duties. On average, it took 3 months to process a passport application, although it could take much longer if documentation was needed from another country of the former Soviet Union.

According to a report from the UNHCR, emigration increased by 50 percent since 2002. In the first 6 months of the year, 12,700 citizens appealed to foreign embassies with requests for refugee status, compared with 20,000 appeals in 2002.

Memorial attributed the rise in emigration to the new citizenship law enacted in 2002. Because of the new law, many citizens of the former Soviet Union (those permanently living in Russia without Russian citizenship) found themselves reclassified as illegal immigrants. In addition, many persons fleeing Chechnya also applied for refugee status. A Soviet requirement that citizens receive a stamp permitting "permanent residence abroad" (PMZh) in order to emigrate--essentially a propiska for those living outside the country--was formally abolished in 1996; however, implementation of the change (which had been scheduled to take place early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and the local authorities continued to issue it to citizens with valid external passports.

If a citizen has had access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister. The Commission may not rule on whether the material should be classified, but it may rule on the legality of travel restrictions imposed and on whether the traveler actually had access to materials requiring a travel restriction. During the year, the Commission granted travel permission to approximately 78 percent of those applicants who had had access to classified information. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad were an unfulfilled military conscription obligation, assignment to civilian alternative service, being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad but were traveling on Russian passports generally were able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

In June 2002, the State Duma adopted a federal law on the legal status of foreign citizens. Critics of the law pointed out that the 3-month deadline facing noncitizen residents for obtaining visas or long-term resident status

was very short, that the law did not include an exhaustive list of documents required for official registration, and that the law left many matters to the MVD's discretion. The law also required that a foreigner prove, even after receiving the permit, that he or she was able to provide for himself and his family at a certain level. Under this law, an AIDS-infected foreign worker should be fired from his job immediately. An AIDS-infected person is prohibited from receiving permanent residence status. According to human rights observers, this law, and the new citizenship law, could further increase the difficulties facing groups such as Meskhetian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to the laws governing citizenship.

International organizations estimated that the number of IDPs and refugees who left Chechnya because of the conflict reached a high of approximately 280,000 in the spring of 2000. At the end of the year, an estimated 70,000 IDPs from Chechnya were residing in Ingushetiya, many of them in camps, and 140,000 IDPs in various parts of Chechnya. There were reports of approximately 8,000 Chechen IDPs in Dagestan, 2,500 in North Ossetia, and 4,000 in Georgia. Approximately 20,000 Chechen IDPs reportedly went to other regions of the country. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya as a result of both the conflict that began in 1999 and the war of 1994-96.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya; however, at the same time, federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities; some who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the temporary facilities for IDPs in Chechnya. UNHCR officials reported that 12,727 IDPs returned to Chechnya from Ingushetiya between January 1 and September 31.

Authorities announced at various times during the year that the IDP tent camps, which housed 20,000 IDPs, would be closed. However, following domestic and international protests, federal and local authorities repeatedly offered assurances that no one would be repatriated to Chechnya involuntarily. At times, the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions--and at checkpoints within the country--frequently required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities. Officials stopped registering IDPs in Ingushetiya in spring 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that IDPs often viewed as pressure to return to Chechnya.

In 2002, the Government appointed a commission to review complaints about treatment of Chechen IDPs in Ingushetiya. According to its report, the majority of the commission members found that IDPs were being pressured to return to Chechnya and that their right to choose their place of residence, to housing, and to inviolability and compensation for damage to their property were being violated to varying degrees. For the fourth year, the Federal Government did not comply with a 2001 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Government refused to renew the mandate of the Chechnya mission of the OSCE that was charged with "promoting respect for human rights and fundamental freedoms" in the territory, which expired on December 31, 2002 (see Section 4).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided some protection against refoulement, but rarely granted refugee or asylum status. It cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. At year's end, UNHCR had registered 42,931 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR reported that only 2,962 of these were active cases, i.e., 5,793 total persons still seeking asylum or receiving UNHCR assistance. The remainder integrated into society, left the country, resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would-be applicants.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. The number of persons from these countries increased in recent years due to the arrival of individuals seeking refugee status. During the year, the UNHCR resettled a total of 457

persons, of whom 268 were Afghans and 157 were Africans.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Azerbaijan in the late 1980s, due to ethnic violence, remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They were unable to return to Azerbaijan, and conditions in Armenia made emigration to that country practically impossible; they also lacked residency permits for Moscow. Representatives of the community have stated that they were not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many resided were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger requested asylum, Aeroflot provided telephone numbers for the UNHCR, but these numbers were not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there were no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers were not allowed to leave the transit zone and often were returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone unless there was a medical emergency. During the year, at least four persons were stranded in the transit zone of Sheremetyevo-2 airport for more than 3 months. In addition, at least five other persons were held at the airport's transit hotel/detention facility, managed by Aeroflot, for more than 3 months, including a pregnant asylum-seeker from Iraq who, together with her husband, was eventually resettled by UNHCR in Canada.

In August, airport officials, border guards, and migration officials discussed the issue of stranded passengers (including refugees and asylum-seekers) living in the transit zone. The establishment of a temporary accommodation center for the airport was put forward; however, by year's end, no other concrete steps had been undertaken.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports, which were staffed by members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who were subsequently employed by the Ministry of the Interior. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. According to the UNHCR, the PICs have never accepted any of the asylum seekers. Those who were interviewed (and refused) by the PIC at Sheremetyevo-2 generally were referred to the UNHCR, which received numerous such cases during the year. The UNHCR examined each case and sought resettlement on an emergency basis for those that it accepted.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Federation; however, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature.

Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system was reinforced informally, but effectively, by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully; while citizens generally have exercised this right in practice, the December 7 Parliamentary elections failed to meet international standards in a number of areas.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish individual policies.

Parliamentary elections, held on December 7, were observed by the OSCE, which offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet OSCE standards. This was the most critical assessment of an election issued by the OSCE since the Russian Federation became an independent country.

The OSCE described the legal framework for the elections as providing the potential for genuine democratic elections and concluded that the Central Election Commission had functioned in an efficient and open manner. The OSCE noted some problems with vote counting; in addition, the Communist Party of the Russian Federation (KPRF), using an alternative vote-counting strategy that totaled the observations of over 300,000 KPRF observers and 200,000 observers from other parties, claimed that United Russia, the main pro-Government party, had manipulated the computer system used for vote counting to steal 3 percent of the vote from the two liberal parties, the Union of Right Forces and Yabloko, depriving them of the necessary 5 percent of the party list votes to attain representation in the Duma (the KPRF did not claim that its own vote totals were manipulated). The OSCE noted in its final report that the authorities should have investigated the complaint.

The most serious shortcomings involved the pre-electoral campaign. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the Government used its increasing influence over the media, particularly the electronic media, to promote favored candidates in newscasts and other programming, resulting in coverage that was heavily biased in favor of the main government party, United Russia, and other favored parties, and against the main opposition party, the KPRF (see Section 2.a.). In addition, the media operated for most of the year under the terms of a 2002 law that was intended to prevent sensational and negative campaigning. Concern about how the law would be interpreted greatly restricted pre-election media coverage of political candidates. On October 31, the most restrictive elements of this law were overturned by the Constitutional Court (see Section 2.a.).

Opposition parties, particularly those receiving funding from some so-called oligarchs, were seriously hampered by the investigation and arrest of Yukos President Mikhail Khodorkovsky, a step widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. Other wealthy benefactors of opposition parties appeared to have responded to what they regarded as an implied threat by reducing their own involvement in political giving. The pro-Government forces, in contrast, drew heavily on "administrative" resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing, and in some instances local electoral commissions appeared to bend the law to disqualify local opposition Duma candidates, leading to a small number of questionable disqualifications.

Insufficient transparency in the post-election period was also a serious concern. The OSCE reported that 14 percent of the polling stations observed failed to provide certified copies of the results to domestic observers. This lack of transparency eliminated an important means of verifying the accuracy of the election results and constituted "a serious breach" of the legislative requirements."

In Chechnya, the authorities held a referendum on March 23 in which voters were asked to approve a new constitution and procedures for the election of a President and parliament for Chechnya. The authorities described the referendum as the first step toward ending the region's military conflict. The authorities declared that the draft constitution, which called for the republic to be an "integral and inseparable" part of Russia, had been approved by a wide margin. Some human rights observers were critical of the process, asserting that the serious security situation in Chechnya and the inability of supporters of Chechen independence to mount a campaign against the referendum deprived it of validity. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) did not deploy a full-scale observer mission, rather it sent a small technical assessment team. According to team leader Hrair Balian, "the organization and conduct of the referendum were not without shortcomings." Following approval of the referendum, a presidential election took place in Chechnya on October 5. Although international monitoring was limited, the reports of local monitors and press reports suggested that it did not meet the standards for democratic elections. The main candidates had been the acting head of the Chechen administration, Akhmed Kadyrov, who was the candidate of the central authorities; Aslanbek Aslakhonov, who represented Chechnya in the Duma; and Malik Saidulayev. Before the elections, Aslakhonov dropped out to accept a position in the Kremlin, and Saidulayev was disqualified when the Chechen Supreme Court ruled that he had not been properly registered. The official Russian media coverage of the election campaign was strongly supportive of Kadyrov.

President Vladimir Putin assumed the post of acting President upon the resignation of Boris Yeltsin in 1999. He was elected to the office in the March 2000 election. While some among the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair and that the results were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign.

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. There were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.). The counting of the votes in most locations was professionally done; however, incumbents, particularly those with connections to the Kremlin, enjoyed significant advantages in media access and financing during their campaigns (see Section 2.a.).

In a number of regions, including Chechnya, there were apparent incidents of candidates being pressured by central or regional officials to withdraw from elections, disqualification of candidates through apparently prejudiced application of elections laws, and other forms of electoral manipulation.

The July 2002 Law on Basic Guarantees of Electoral Rights and Citizen Participation in Referendums and the July 2001 Law on Political Parties significantly enlarge the role played by political parties in the electoral system by simplifying candidate nomination by parties at all levels of government and by requiring that half of the seats in regional legislatures be determined by party-list voting, as in the State Duma. These laws, in conjunction with the December 2002 Law on Elections of State Duma Deputies, expand campaign spending limits and public financing of political parties, shorten the official campaign period, limited the conditions under which candidates could be removed from the ballot, and impose restrictions on media coverage. An additional effect of the laws was the expansion of the Central Elections Commission's authority over subordinate regional elections commissions. In September 2002, the President signed into law an amendment to the Law on Referenda that prohibits national referenda in the year prior to federal elections.

Political parties historically have been organizationally weak. The July 2001 law on political parties requires parties to have 10,000 members in order to be registered and function legally, with no fewer than 100 members in a majority of the country's 89 regions (see Section 2.b). The law grants political parties a partial monopoly on running candidates for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

In May, the Ministry of Justice revoked the registration of an ultra-nationalist party, the National Power Party of Russia, which had been registered in September 2002. The revocation, which took place only after considerable criticism of the initial registration, prevented the party from participating in the December parliamentary elections. Also in May, the Supreme Court of Tatarstan upheld the efforts of the Republic branch of the Ministry of Justice to ban the activities of the ultra-Nationalist RNE in that Republic. The authorities continued to take measures against the skinhead-related National Bolshevik Party.

During the year, the Government took a number of measures to consolidate the levers of political power in the hands of President Putin. The October 25 arrest of Khodorkovsky removed a powerful and wealthy critic of the administration of President Putin who had become increasingly active in providing financial assistance to opposition political parties, as well as to NGOs (see Section 4). Khodorkovsky, who was charged with fraud in connection with privatization of industrial assets in the 1990s, was the latest of a number of wealthy "oligarchs" who represented centers of potential political and media opposition to the President. In the view of many human rights observers, Khodorkovsky's arrest was intended as a warning to other oligarchs against involvement in political affairs and independent financial support of civil society. Whatever circumstances led the authorities to move against magnates such as Khodorkovsky, Boris Berezovskiy and Vladimir Gusinskiy-- the latter two now in exile-- their removal is widely seen as a warning to other potential opponents among the economic elite against direct political involvement or support of independent media.

A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergei Yushenkov, was shot to death on April 17 (see Section 1.a.).

Yuri Shchekochikhin, a prominent Duma deputy and deputy editor of Novaya Gazeta, died in July under mysterious circumstances (see Section 1.a.).

In the December elections, 45 female deputies were elected to the 450-member Duma, 10 more than were elected in 1999. A woman, Lyubov Sliska, served as Speaker of the Duma. One woman, Galina Karelova, served as a Deputy Prime Minister, while another woman, Valentina Matviyenko, served as Presidential Representative to the Northwest Federal District prior to her election this year as Governor of St. Petersburg.

Legal provisions have allowed national minorities to take an active part in political life; however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups generally operated without hindrance in the country, and most investigated and publicly commented on human rights problems, generally without government interference or restrictions. However, three of the most well-known NGOs in Moscow were harassed this year. In November, tax police began an audit of Otkrytaya Rossiya, the NGO established by former Yukos CEO, Mikhail Khodorkovskiy, which observers feared represented the first step toward disbanding the organization.

On November 7, dozens of men in camouflage raided the Moscow offices of the Soros Foundation's Open Society Institute. The press reported that the men hauled away documents and computer data covering 15 years. Private security forces carried out the operation; they were allegedly hired by a businessman with whom the foundation had been having a legal dispute, but some observers regarded the action as government-inspired. A court ruling on the property dispute is expected in early Spring 2004, which would decide the future of the Soros Foundation in the country. The Soros Foundation continued to plan on splitting the Open Society Institute/Russia into 12 separate foundations that would be jointly financed by Soros and Russian donors for the next 3 years with an eventual turnover to all-Russian financing.

On December 25, the Director of the Sakharov Center in Moscow was served notice that a long-pending case against him for organizing a provocative exhibit of religious art at the Sakharov center in January would go on trial. The case exemplified the increasing power of the Russian Orthodox Church, and highlighted the hostile atmosphere civil society faced. Overall, NGOs dealing with Chechnya, human rights, and the environment faced the most government harassment.

In the regions, some local officials harassed human rights monitors (see Section 1.d.), and the Government in December 2002 refused to renew an agreement with the OSCE Assistance Group that would have permitted it to continue its human rights monitoring in Chechnya. Some governmental officials viewed the activities of some NGOs in regard to Chechnya with great suspicion. The press reported that the President's Special Representative for Human Rights in Chechnya accused NGOs and Western media of publishing accounts of mass killings in Chechnya as part of a "planned action" aimed to justify efforts among some Europeans to establish an international tribunal for Chechnya.

Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance. The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGOs monitoring prison conditions enjoyed an excellent relationship with government authorities, while those monitoring Chechnya had a more tense relationship. Officials, such as human rights Ombudsman Oleg Mironov, regularly interacted and cooperated with NGOs.

On the other hand, authorities continued to put pressure on the NGO, School for Peace, because of its activities in support of Meskhetians in the Krasnodar region (see Section 2.d.). On July 14, in a meeting with the head of School for Peace, a Krasnodar representative of the Ministry of Justice stated that the organization would be disbanded because it had listed only one founder rather than the statutorily required three. In the course of the conversation, the Ministry official strongly criticized School for Peace for its activities on behalf of Meskhetians and the director's contacts with foreigners. In December, a district court in Krasnodar ruled that the School for Peace should be disbanded; the NGO was appealing the decision at year's end. Most of the NGO's work was being carried out through a sister organization, the Novorossiysk Committee for Human Rights.

Several NGOs were headquartered in Moscow and had branches throughout the country. Some of the more prominent human rights organizations were the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, USMC, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated, with varying degrees of success, in the process of drafting legislation and decrees. Memorial worked with the offices of the Presidential Human Rights Envoy for Chechnya, and the Government provided security for Memorial's trips to the regions. In July, the Moscow Helsinki Group announced the release of its fourth annual survey of human rights conditions in the country. The extensive and detailed report covered human rights problems in all 89 of the country's principal administrative divisions.

A variety of regionally based human rights groups operated during the year. Socioeconomic rights groups were the most numerous; they monitored issues such as unpaid wages and benefits. There were fewer civil-political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public centers that provided legal advice to the general public (see Section 1.e.). These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law. Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations.

Two developments late in the year appeared to have negative implications for NGOs and their relationship with the Government. On October 25, authorities arrested Mikhail Khordokovskiy, Chairman of the oil company Yukos and chief impetus for the creation in 2001 of Yukos' own NGO Open Russia (see Section 3). In November, authorities opened a tax investigation against Khodorkovskiy's NGO, Otkrytaya Rossiya. At year's end, the NGO continued to function with a reduced budget and more narrow strategic priorities.

Regional human rights groups generally received little, if any, international support, or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. The authorities were reportedly less tolerant of criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; local authorities excluded some from the process entirely.

During the year, many domestic and international NGOs continued their work in Chechnya, despite the threats posed by the ongoing military conflict. Within Chechnya some international NGOs maintained small branch offices staffed by local employees; however, all international NGOs had their bases outside of Chechnya (see Sections 1.b. and 1.g.).

On March 15, according to HRW and NGO activists, masked men in Chechnya kidnapped Imran Ezhiev, who had been engaged in the preparation of the Moscow Helsinki Group's annual report on human rights in Chechnya, questioned him intensively about his work, confined him in an extremely small enclosure, leaving him temporarily unable to walk without assistance, and threatened him with torture and execution. Following domestic and international protests, the abductors subsequently dumped him on the roadside in the middle of the night on March 18. There were no indications of any effort by the authorities to apprehend the perpetrators.

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in the Province of Dagestan, adjacent to Chechnya, remained unsolved at year's end (see Section 1.b.). This event and overall security problems led many NGOs to limit their activities in the north Caucasus region.

In December 2002, the mandate of the OSCE's Chechnya Assistance Group, which had been established in 2001, expired and the Government has continued to refuse to renew it. The mission had frequently criticized the actions of military forces. Foreign Minister Ivanov stated that the OSCE mission had failed to understand Chechen realities. Other officials stated that the country wished to continue cooperation with the OSCE but that corrections were required in its operations in Chechnya.

Every person within the jurisdiction of the Federation may file appeals to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR, but they must have exhausted "effective and ordinary" appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. As of September, the Court had received about 14,000 complaints against Russia. Of those, about 6,500 were declared

inadmissible, and about 4000 were registered as ready for decision. More than 150 complaints were communicated to the Russian Government. The Court found 15 complaints to be admissible, and there were five findings of violations based on the merits. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration.

The Government placed restrictions on the activities of both NGOs and international organizations in Chechnya (see Section 1.c.).

The Government's human rights institutions continued to lack independence, but some of them did make efforts to promote human rights. The Office of the Human Rights Ombudsman, headed by Oleg Mironov, commented on a broad range of human rights issues. Mironov's office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Mironov's role remained primarily consultative and investigatory, without powers of enforcement. By year's end, there were regional human rights ombudsmen with responsibilities similar to Mironov's in 20 of the 89 regions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region.

The President's Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, organized a "Russian Forum" to bring together NGOs from all across the country to a conference in October and held a much smaller meeting with President Putin following the December elections to discuss democracy and human rights issues. Although no concrete measures were taken at either meeting, these meetings produced some results. For example, following a meeting with the President where activist members successfully appealed to President Putin, a December 2002 fact-finding mission of the Commission to the Caucasus region and its January report succeeded in limiting involuntary returns of IDPs to Groznyy.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

##### Women

Domestic violence remained a major problem, and victims rarely had recourse to the authorities for protection. Police were reluctant, and at times unwilling, to intervene in what they regarded as purely domestic disputes. Many women were deterred from reporting such crimes, not only because of social and family pressure but also because the tight housing market made it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an area for concern outside of the family. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also was no national political will to consider these problems seriously. Several NGOs expressed serious concern about guidance provided to the new justices of peace--to whom most such cases are expected to be referred--which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible.

No reliable statistics existed to permit evaluation of the true extent of the problem nationwide, and individual jurisdictions varied in their statistical methodology. Amnesty International (AI) cited reports by domestic NGOs indicating that over 1 million women a year suffered from domestic violence. According to Alexandra Kareva, a lawyer for Stop Violence, an association of women's crisis centers, nearly 100,000 persons called the group's hotlines in 2002.

Official estimates indicated that, on average, there were more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually were not reported. In 2002, police recorded more than 8,100 crimes of rape (in 2001, over 7,000 rape cases were registered for the entire year). The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession assisted women who were assaulted; however, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.



Organization and operation of a prostitution business is a crime, but the selling of sexual services remains only an administrative offense (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of 5 times the minimum wage, or approximately \$100 (3,000 rubles).

Trafficking of women for sexual exploitation or forced labor was a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 120 women's crisis centers throughout the country, and their numbers continued to grow. The Duma took up legislation in April that promoted equal rights for women. In addition, the crisis centers have formed an association in order to coordinate their efforts better. Several NGOs provided training on combating trafficking to police, procurators, justices of the peace, and others in government.

No law that prohibits sexual harassment, and women have no recourse when sexually harassed. Anecdotal information suggests that many potential employers sought female employees who were receptive to sexual relations. Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant was expected to reply "yes" or "no." Alternatively, advertisements could request applicants "without complexes," which is taken to mean someone who was not opposed to relations with the potential boss as part of the job.

The Constitution states that men and women have equal rights and opportunities to pursue those rights; however, credible evidence suggested that women encountered considerable discrimination in employment. Job advertisements often specified sex and age groups and at times physical appearance as well. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also tried to avoid the entitlement to a 3-year maternity leave for childcare, which could be used in full or in parts by the mother, father, relative, or trustee providing the actual childcare. During this time, the employer must retain an employee's place of work and continue to fund applicable social benefits. Moscow human resources managers privately admitted that discrimination against women in hiring was common. There also was a trend toward firing women rather than men when employees were laid off. Women also were subject to age-based discrimination. While no official statistics were available, government officials estimated that of the 7.5 percent of the workforce unemployed in late August, at least 70 percent were women. Women continued to report cases in which employers paid them less for the same work that male colleagues performed. According to a 2001 report by the International Labor Organization (ILO), women accounted for about 47 percent of the working-age population but on average earned only two-thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. Women also tended to work in industries where market reforms remained weak and wages low, such as the textile and defense sectors, while men increasingly took jobs in the fast-growing, more profitable, financial and credit sectors where wages were substantially higher.

## Children

The Constitution assigns the Government some responsibility for safeguarding the rights of children, and the State endeavored to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues. The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school was compulsory until the ninth grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out-of-pocket expenses. According to a 2000 UNICEF survey, IDP children from the Chechen conflict suffered disproportionately from chronic anemia and had a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. Authorities cited 253,000 parents in 2001 for

leaving children on the street unattended, up from 248,000 in 2000. In Moscow, approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, the child's case was investigated, and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which the children ran away. Many officials considered domestic problems private affairs and preferred not to interfere.

Trafficking in children was a problem (see Section 6.f.).

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy Platok) reported that some federal forces engaged in kidnapping children in Chechnya for ransom.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives.

Figures for homeless children were unreliable. According to the Ministry of Labor, there were estimates from 100,000 to 5 million neglected children in Russia. In 2002, about 681,000 vagrant children were detained by law enforcement agencies, 2.5 times the 2001 rate. About 50,000 adolescents were on the local and federal wanted lists in 2002, 13.5 percent more than in 2001. The Russian Children's Fund estimated in 2001 that there were approximately 2.5 million children living on the street, although other estimates reached as high as 4 million; scientific studies used differing methodologies to count street children. During the year, Moscow authorities indicated that 40,000 working street children lived in the capital but claimed 80 percent were from places other than Moscow. In addition, there were approximately 3,000 young persons aged 18 to 24 in Leningrad Oblast, most of them discharged from state institutions and given state housing, who had difficulty maintaining a residence and adapting to non-institutional life in general. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned, to or were forced into, prostitution in order to survive.

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg, the ILO opened a drop-in center for runaways and homeless children that continued to operate; Road to Light has a shelter there for abused girls and an independent living program for children in institutions to train them in life skills. The St. Petersburg NGO Citizens' Watch conducted seminars on legal and social aspects of the problem.

Special institutions existed for children with various disabilities but did not serve their needs adequately due to a lack of finances. Being a child with disabilities remained a serious social stigma, an attitude that profoundly influenced how institutionalized children were treated. Many children with physical or mental disabilities, even those with only minor birth defects, were considered ineducable. Parents wishing to enroll a child in ordinary secondary schools in Moscow were obliged to produce a medical certificate affirming that the child was in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era.

The Rights of the Child Program called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. The Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of the Child NGO, there were 15 Ombudsmen, including in the cities of Yekaterinburg, St. Petersburg, and Arzamas Volkskiy, and in the regions of Velikiy Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. An Ombudsman may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

#### Persons with Disabilities

The Constitution does not address directly the issue of discrimination against persons with disabilities. Although there are laws prohibiting discrimination, the Government did not enforce them. The meager resources that the

Government devoted to assisting persons with disabilities were provided primarily to veterans of World War II and other conflicts, although a few local governments, in response to interventions by NGOs, earmarked funds to facilitate access to schools by persons with disabilities.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an "invalid" as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities found work within factories run by the All-Russian Society for Persons With Disabilities; however, the majority were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A complex and cumbersome system has developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that rather than focus on the needs of the children, the system revolved around the institutions. The welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly (often because funds were lacking) and in some cases were abused physically by staff. Life after institutionalization also posed serious problems, as children often lacked the necessary social, educational, and vocational skills to function in society. While there were no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups compiled some important information.

Although comprehensive statistics were not available, the prospects for children and orphans who had physical or mental disabilities remained extremely bleak. The most likely future for severely disabled children was a lifetime in state institutions. The label of imbecile or idiot, which was assigned by a commission that assesses children with developmental problems at the age of 3 and which signified ineducable, almost always was irrevocable, and even the label of debil--lightly retarded--followed a person throughout life on official documents, creating barriers to employment and housing after graduation from state institutions. A study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that upon graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who had been misdiagnosed as mentally ill or retarded or who were abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control. While this study is 10 years old, private conversations with the Right of the Child Program representatives indicated that directors of such institutions continued to give very pessimistic assessments of the situation.

The Government did not mandate special access to buildings for persons with disabilities, and access to buildings was a problem. The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities.

#### Indigenous people

The law provides for the support of indigenous ethnic communities, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who lived in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in earlier years.

## National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, and dark skinned persons faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. Muslims and Jews continued to encounter prejudice and societal discrimination; it was often difficult to separate religious from ethnic motivations. Human rights observers noted that there was considerable legislation that prohibits racist propaganda and racially motivated violence, but complained that it was invoked infrequently. There were some efforts to counter extremist groups during the year (see Section 2.b.).

New federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Azerbaijani vendors alleged police frequently used violence against them during document checks at markets in St. Petersburg. Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In the autumn of 2001, more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh. Chechen IDPs and the Civic Assistance Committee for Migrants reported that Chechens continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment. Although Moscow Mayor Luzhkov ruled out a crackdown on the Chechen population in the city following mass hostage seizures at a Moscow theater in October 2002 (see Section 1.g.), human rights monitors reported that in the wake of the seizure hundreds of ethnic Chechens were detained in sweeps across Moscow and that acts of discrimination against them increased.

There was also evidence of societal hostility on ethnic and racial grounds. Despite appeals for tolerance during the year by the President and other senior officials, who recalled the multiethnic nature of the country (the population includes more than 100 national groups), violence and societal prejudice against ethnic and national minorities, as well as against foreigners, persisted. During the year, there were numerous racially motivated attacks on members of minority groups, particularly Asians and Africans. The approximately 1,000 African students in Moscow were routinely subject to assaults and abuse. A 2002 survey of Africans, mostly students and refugees, indicated that two-thirds reported hearing racist comments almost daily. The 180 students questioned reported experiencing 204 attacks, 160 of them reported to the police, resulting in 2 convictions. Attacks generally appeared to be random, and were carried out by private individuals or small groups inspired by racial hatred. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police made few arrests, although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or to report indifference on the part of police.

Several incidents of crimes against foreigners, including diplomats, suggested that this remained a serious problem in St. Petersburg. St. Petersburg's Special Militia Service claimed in May that it solved roughly half of cases pertaining to attacks on foreigners.

Alleged skinheads attacked a group of Kurdish and Turkish children from Germany in a St. Petersburg subway station in April. The militia initiated an investigation only after public pressure and the insistence of then regional Federation representative Valentina Matviyenko.

Skinhead groups, which began in the country in the early 1990's, numbered 50,000 in over 50 organizations at year's end, according to the Ministry of the Interior. The Ministry reported that there were approximately 2,500 skinheads in Moscow. Not all of the authorities appeared willing to acknowledge the racial motivation behind anti-social brutality. For example, in St. Petersburg law enforcement officials often characterize perpetrators of hate crimes as spontaneous "hooligans," denying the existence of organized skinhead groups there. In the case of St. Petersburg, there was some indication that this attitude might be changing. In April, Valentina Matviyenko, then-Presidential Representative, who subsequently became governor of St. Petersburg, voiced concern over the growing number of neo-Nazi groups, although she did not specifically mention St. Petersburg. However, after a group of skinheads armed with an axe, a knife, and a metal rod attacked a Roma camp in a southern suburb of St. Petersburg, resulting in the death of a child, criminal cases were opened against the perpetrators. On November 14, local police opened an investigation. They subsequently detained three attackers (ages 17 to 18) for 10 days. By year's end, however, no one had been brought to trial, and law enforcement officers were searching for the other suspects in the attack.

In the summer, the congregation of Pentecostals led by Pastor Zinsu Kozm Tossa, a Russian citizen of African origin, finally disbanded. The Pastor was beaten on two occasions in 2001. One beating required several days of treatment in intensive care. Later that year his church was burned down. Efforts were made to continue using apartments, but gradually his congregation dwindled as a result of this pressure. Other African ministers of non-Orthodox Christian Churches also experienced prejudicial treatment based, apparently, on a combination of religious and racial prejudice.

In 2002, the authorities initiated a case under Article 282, part 1 (Inflaming Ethnic Hatred) against Pavel Ivanov, editor of the Velikiy Novgorod newspaper Russkoye Veche, for anti-minority articles his newspaper had printed. The case was brought to court and the hearing began in July; on September 9, the Velikiy Novgorod City Court acquitted Ivanov.

Human rights observers reported that the resurgence of the Cossack movement and the hostility of the authorities continued to promote insecurity among certain minority groups in the Province of Krasnodar Kray. The Kray has been home to large numbers of ethnic minorities for decades but has experienced considerable immigration and domestic migration in recent years (see Section 2.d.). According to Memorial, Krasnodar Governor Aleksandr Tkachev, in a March 2002 speech, promised a group of regional and municipal officials that he would create "unbearable conditions" for "illegal migrants" (see Section 2.d.), and there were unconfirmed reports that the Krasnodar government provided funding to paramilitary Cossack groups, some of which were said to be brutally repressive toward such groups.

The Constitution makes provision for the use of national languages in the various sub-divisions alongside the official Russian language and states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality.

## Section 6 Worker Rights

### a. The Right of Association

The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 60 percent of the work force (an estimated 67 million workers) was unionized, and approximately 10 percent of union members belonged to independent free trade unions. Union membership overall has fallen in recent years as a result of economic restructuring, including the closing of some enterprises and a resistance by some domestic and foreign companies to trade union activities.

The FNPR claimed that approximately 60 percent of all workers belonged to the FNPR, although approximately 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement, and this dominance constituted a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income came from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

Earlier trade union control over the distribution of social benefits at the federal level effectively ended in 1991, but the FNPR, as the owner of many service facilities and the largest grouping of unions, continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

Approximately half of the court cases on the right of association were decided in favor of employees, although delays and enforcement of court decisions remained a problem in many cases. Fewer than 50 percent of cases were decided within a year. Employees tended to win their cases in court but only if they were prepared to appeal, normally a time-consuming and lengthy process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation. Lengthy delays were common.

There were incidents of company management and FNPR local unions working together to discourage the

establishment of new unions. Many of these cases remained unresolved. In practice, many trade unions remained unregistered despite provisions in the Law on Trade Unions which specify that registration requires a simple "notification" and submission of documents. Local departments of the Ministry of Justice throughout the country continued to ignore the procedures set out by the Law on Trade Unions and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices prevented the registration of new unions or the reregistration of existing ones. Local Ministry of Justice officials demanded additional documents, including protocols from union meetings and lists of meeting participants, which are not required by law.

The Labor Code includes references to the Russian word "pervichnaya" (local or grass root), to designate organizations or trade unions that can represent workers' rights at the enterprise level (see Section 6.b.). According to labor experts, "pervichnaya" is a term that refers to the lowest part or grass roots level of a structure. Such organizations were structurally dependent on a higher union body. By restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. Labor experts viewed this as a clear violation of freedom of association principles (ILO Convention No. 87).

The Labor Code and Trade Union Law specifically prohibit anti-union discrimination; however, anti-union discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Unions may freely form federations and affiliate with international bodies. There were several national and regional free trade union structures, including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). The KTR, the VKT, and the FNPR were members of the International Confederation of Free Trade Unions.

#### b. The Right to Organize and Bargain Collectively

The 2002 Labor Code gives employers more flexibility in dealing with labor relations. Under the Code, collective bargaining agreements remain mandatory if either the employer or employees request them. Both sides are obligated to enter into such negotiations within 7 days of receiving a request, and the law set a time limit of 3 months for concluding such agreements. Any unresolved issues are to be included in a protocol of disagreement, which may be used for initiating a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. At year's end, negotiations continued for an independent trade union at School No. 26 in Petropavlovsk-Kamchatskiy to elect delegates to a collective bargaining negotiating team.

The Government's role in setting and enforcing labor standards was diminished under the 2002 Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized what they considered to be weaknesses in the proposed regime, including the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the Code calls for the formation of a joint body based on proportional representation to select a single representative body for workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise has the right to represent all workers during these negotiations. While minority unions retained their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts stated that in many cases, particularly outside of Moscow and St. Petersburg, the above measures have encouraged larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Code. The stipulation that there may be only one collective agreement per enterprise, covering all employees, limits the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. In some regions, existing unions were under increasing pressure from employers under the new labor relations scheme.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. Under the 2002 Labor Code, all parties to the agreement must register collective bargaining and wage agreements within 7 days of signature; however, there are no sanctions in the event that a collective agreement is not registered. The Code states that collective agreements become effective upon signature,

regardless of whether they are registered or not. As in the case of the previous code, ambiguity concerning the employer's legal identity made some collective agreements ineffective. This lack of clear identification under the law made tripartite wage agreements (with labor, management, and government participation) non-binding at the municipal, regional, national, and industrial levels and brought their legal validity into question. Even after an agreement was signed, employers often claimed that the "employer representative" was not authorized to represent the factory involved.

The Moscow Labor Arbitration Court handled an increasing number of labor violations and disputes each year. Ministry of Labor officials estimated that there were slightly more than 2 million labor violations in 2001. The court is a pilot project and was expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for disputes were exceedingly complex and required the coordination of information from both sides, even before courts became involved, and civil courts could review strikes to establish their legality. The 2002 Labor Code further limited workers' and trade unions' ability to conduct strikes. Approval by a majority of participants to a conference composed of at least two-thirds of all workers at an enterprise, including management, is needed, whereas previous legislation only required a quorum of workers.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees could not strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement was reached--which was often the case--the local executive authority simply decreed the minimal services, and often set them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 60 strikes officially registered through September. Court rulings have established the principle that nonpayment of wages--still by far the predominant grievance--is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. The labor law does not protect individuals against being fired while on strike. Ministry of Labor officials estimated that nonpayment of wages was the cause of 90 percent of labor disputes.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions at times resorted to other forms of protest such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes; however, reprisals were common. In December 2002, the labor union at Norilsk Nickel initiated a collective labor dispute, a legal step towards eventually declaring a strike. Norilsk Nickel management threatened workers with night shifts and denial of benefits, forcing some to sign pre-prepared statements denouncing the labor dispute. In September, Chelyabinsk Coal Company fired 35 activists from the Independent Coal Miners' Union for protesting over working hours exceeding the legal limit. The company also refused to pay salaries to union members.

Company management has sought to break up unions that conducted strikes by reorganizing enterprise operations. In June, the ILO Freedom of Association Committee noted the Government's "total lack of cooperation" in investigating such a case. It involved a labor dispute dating back to 1997 between a local independent union of dockworkers and management at the Kaliningrad port. Following an unsuccessful strike, the management restructured the port, creating a second legal entity and transferring all cargo movement to it. Workers who agreed to leave, or did not join, the union were transferred to the new unit, which provided improved conditions, and most of the remaining union members were subsequently fired. The management had refused to implement Court rulings in favor of the union, which has filed a case with the ILO. The ILO strongly supported the union and sent four statements to the Federation government urging it to resolve the case; at year's end, there was no reply from the authorities.

In April, a court in Norilsk disqualified Vyacheslav Melnikov, head of the Federation of Norilsk Nickel Unions, from a runoff mayoral election, on the grounds that he had exceeded spending limits, although his opponent had spent even more. Melnikov, the Chairman of the Federation of Norilsk Nickel Unions, who had led a hunger strike in February, finished first in the primary election and was heavily favored to win the runoff. He was reinstated as a candidate, and in October he won a second election. This victory was also challenged in the courts, but no ruling was issued by year's end.

The Government did not rescind its December 2002 refusal to permit the longtime director of the Solidarity Center, an NGO that provides technical assistance and training to workers and promotes cooperation among labor, management, and government, to reenter the country, despite lobbying by NGOs in Russia, some members of the Duma, and some in the international community. The refusal apparently was related to her activities in support of worker rights.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the Labor Code and are the same as in other parts of the country.

#### c. Prohibition of Forced or Bonded Labor

The new Labor Code prohibits forced or bonded labor, including late or incomplete wage payments; however, there were instances of the use of forced or bonded labor. There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country (see Section 6.f.) According to an ILO study, most forced labor was connected with illegal migration, i.e. people who entered the country voluntarily, but illegally. Because they were there illegally, they were subject to exploitation. According to the study, employers withheld passports in 20 percent of forced labor cases.

There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. AI charged that a 1995 bilateral agreement with North Korea allows the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Korean citizens working in the country the same legal protections as citizens. Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to other officers with a military need for personnel or to perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the MVD.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children approach passersby. ILO reports on working street children in St. Petersburg, Moscow, and Leningrad Oblast indicated that some of these children gave their parents the proceeds from their begging.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The new Labor Code retains prohibitions against the regular employment of children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work; however, the Ministries of Labor and the Interior, which are responsible for child labor matters, did not enforce these laws effectively. Children were permitted, under certain specific conditions and with the approval of a parent or guardian, to work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor Inspectorate, under the auspices of the Ministry of Labor, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001, the Labor Inspectorate reported approximately 12,000 cases of child labor violations. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Local police authorities were responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets. This was largely due to deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship undermined traditions and social customs and eroded the protection families traditionally provided to children. Parents often used their children to lend credence to their poverty when begging. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see Section 6.f.).

The country completed ratification of ILO Convention 182 on the worst forms of child labor, and the ILO officially registered the country's ratification on March 25.



#### e. Acceptable Conditions of Work

The Labor Code states that the monthly minimum wage, which was approximately \$20 (600 rubles), should not be less than the monthly official subsistence level of \$67 (2,010 rubles), which was not sufficient to provide a decent standard of living for a worker and family. Average wages rose to \$182 (5,460 rubles) per month, compared with \$141 (4,230 rubles) per month in 2002. Separate legislation was needed to determine the timeframe for raising the monthly minimum wage to the monthly subsistence level. Approximately 26 percent of the population had incomes below the official subsistence minimum; however, most workers received several times the monthly minimum wage, and the monthly minimum wage was essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits; it was not a number used for real salaries. Enterprises often used this number to avoid taxation by reporting the number of employees paid at the monthly minimum wage instead of reporting actual salaries. Studies have shown that over 30 percent of private sector employees earned more than their registered wage and that 10 percent of this group actually earned at least 6 times the official wage level. In addition, much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The Labor Code retains a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10- to 12-hour days are common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, it continued to be the most widespread abuse of labor legislation, particularly for workers in education, research, and medicine. The Labor Code imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. Wage arrears through March totaled \$1.2 billion (34.7 billion rubles). Although some enterprises still forced their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers who were owed back wages sought relief through the court system, but the process was lengthy. Courts often were willing to rule in favor of employees seeking the payment of back wages, but collection remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation (see Section 6.b.). The practice continued of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store.

A lack of labor mobility continued to be a problem. For various reasons, many workers were not able to move to other areas of the country in search of work. Many were constrained economically because past inflation and the nonpayment of wages had destroyed their savings. Freedom to move in search of new employment was limited further by the system of residency permits which, although unconstitutional, was still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively were tied to enterprises that could only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers could not easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturned the enterprises' decisions to lay off workers who were not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers.

The law establishes minimum conditions for workplace safety and worker health; however, the Federal Labor Inspectorate within the Ministry of Labor lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, and smoking was permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. Miners were known to remove

the supports from mineshafts and sell them for scrap metal, while doctors and nurses sold health and safety equipment at hospitals to patients' families in order to supplement salaries that often remained below the minimum subsistence level.

Mine inspections were ineffective because sanctions for safety violations were weak. Even fatal workplace accidents due to unsafe work conditions often went unpunished. In October, in the Rostov region, flooding trapped 69 coal miners underground, over 30 of them for 5 days. All but one miner was eventually rescued. The mine owed workers over \$1 million (approximately 30 million rubles) in back wages. Some miners had not received wages since February. One month after the accident, only the workers who had been trapped in the mine for 5 days had received back wages. The mine had previously been cited for safety violations. In June, a methane explosion killed eleven coal miners in the Kemerovo region. The governor of the region had noted in 2002 that obsolete technology was in use in the mine where the accident occurred to extract coal from very deep pits.

The law entitles foreign workers residing and working legally in the country to the same rights and protections provided to citizens under the law, and the Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.). Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that hundreds of thousands of Ukrainians, Belarussians, Moldovans and Central Asians were living and working illegally in Moscow and other larger cities for significantly lower wages than citizens and under generally poor conditions.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in women and children was a problem. There were no reliable estimates of its scope, but observers believed that trafficking was widespread. There were reports that the corruption of government officials facilitated trafficking.

In December, the Government enacted amendments to the Criminal Code criminalizing human trafficking and the use of forced labor and expanding criminal liability for recruitment into prostitution, organization of a prostitution business and the distribution of child pornography. Pursuant to these articles, if certain aggravating factors are established, trafficking and use of slave labor are each punishable by a maximum of 15 years in prison, recruitment into prostitution is punishable by a maximum of 8 years, organization of a prostitution business is punishable by a maximum of 10 years, and the manufacture and distribution of child pornography is punishable by a maximum of 8 years. The amendments to the Criminal Code were the culmination of a year-long effort by legislators, anti-trafficking activists, and government and law enforcement officials to enact effective anti-trafficking legislation.

In addition to the recently passed amendments, other articles of the Criminal Code may also be used to prosecute traffickers. These include: Article 322, which provides for up to 5 years imprisonment for unlawful violations of borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence"; Article 133, which prohibits compulsion of a person into sexual activity by blackmail, threat, damage, or dependence; Article 126, which prohibits the kidnapping of persons; Article 132, which prohibits forced actions of a sexual nature; Article 135, which prohibits perverse actions with Children under 14; and Article 134, which prohibits sexual intercourse with a person under 14. Articles 159, 165, and 182 all prohibit various kinds of fraudulent activity and could potentially be used to prosecute traffickers engaged in fraudulent recruitment efforts. Prostitution itself is not a crime anywhere in the country, but an administrative offence carrying a fine of \$40 (1,200 rubles). Recruitment for prostitution, domestically or abroad, is not a crime, but an administrative offense with a maximum penalty of incarceration for 14 days.

The most common bases for trafficking prosecutions have been anti-fraud statutes and the statute prohibiting trafficking in minors (which has now been subsumed by the general anti-trafficking provision enacted in December). Traditionally, laws relating to the organization and maintenance of prostitution businesses have not been well enforced and all indications are that the MVD, itself, controls prostitution throughout the country. However, newspaper reports indicated that the Moscow police began cracking down on brothels.

Law enforcement assisted in a number of significant investigations and prosecutions by foreign law enforcement, including cases in France, the United States, and Turkey. In conjunction with the passage of the amendments to the Criminal Code discussed above, in November, the Ministry of Internal Affairs hosted a major international conference designed to promote operational cooperation among several former Soviet republics. Connections established at the conference resulted in requests for joint operational measures and have facilitated the investigation of already existing cases.

The country was a country of origin and transit for victims of trafficking. There were no reliable statistics, reports from domestic law enforcement agencies; however, NGOs, academic researchers, and law enforcement agencies in destination countries indicated that the country was a country of origin for a significant number of victims of trafficking. Children were also trafficked, but more rarely. The virtual trafficking of pornographic images of children over the Internet was also a growing problem, with Russia becoming a major producer and distributor of child pornography in the last few years. This has led to confirmed cases both of sex trafficking of children and of its inverse, child sex tourism to the country. There were also extensive reports of human trafficking within Chechnya. Specifically, government and law enforcement sources reported that Chechen rebels frequently captured Russian soldiers during combat and then enslaved them, traded them among themselves and ultimately sold them back to their families.

According to the IOM, Russian women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, such as Georgia, Middle Eastern countries, such as Turkey and Israel, and Asian countries, including Japan and Thailand. There were also reports of Russian women being trafficked to Australia and New Zealand. Victims often agreed to be transported to one location, only to be diverted to, and forcibly held in, another. Sometimes they were "sold" enroute, particularly when transiting the Balkans.

Reports also indicated that internal trafficking was also becoming an increasing problem, with women and children being recruited and transported from rural areas to urban centers and from one region to another. Sources reported that the migration of young women from the provinces to the major cities to work in sex industries such as stripping and prostitution was sometimes facilitated by traffickers. The young women who went annually into Moscow sometimes ended up in prostitution, and, once there, found themselves trapped. Smaller numbers of men were also reported to be trafficked internally for manual labor.

There were also reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation. National law enforcement authorities believed that there was a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim.

Reliable statistical estimates with regard to all of these forms of trafficking were extremely hard to develop. Few women who have been trafficked and returned to Russia reported their experiences to the police and continued to be fearful of retaliation by the traffickers. Statistics were also complicated by the fact that some trafficked women were of Russian ethnic origin but citizens of other former Soviet countries, such as Ukraine. Women from such countries as Tajikistan migrated illegally to Russia to seek work, and some may have been victims of traffickers. Some migrants became victims of forced labor once they arrived. According to another IOM Report, women aged 15 to 25, particularly those interested in working overseas, were the most likely to be trafficked.

Targets of traffickers were usually female, between the ages of 14 and 45, with females between the ages of 15 and 25 the prime target. Some surveys indicated that the profile of female trafficking victims in the country was similar to that of the female population at large. Women who were educated and had job skills also were trafficked. Traffickers offered enough economic hope to persuade even well educated, mature women to become risk-takers and entrust traffickers with their money, documents, and persons. Almost all returned trafficked women reported that they traveled to better their lives through work or marriage abroad. Some knowingly agreed to work in sex industries. But all victims insisted that they never suspected the severity of the conditions, the slavery, or the abuse they would be subjected to. None suspected that they would be deprived of their wages.

According to credible media reports, some employers forced workers from countries of the former Soviet Union--such as Uzbekistan--to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement agencies or immigration authorities if they demanded payment. At times, the recruiter demanded part or all of the worker's wages to avoid deportation.

The rise in trafficking correlated with the socioeconomic dislocation that occurred following the collapse of the Soviet Union. Formerly, rigid controls on the movement of persons within and across borders discouraged migration of any kind, and the extensive involvement of the State in social services provided minimal levels of support for women and children. That state support was gone, and there was no replacement. Most single parent families were headed by women, who were now both more dependent on earned income for family support and less likely to find employment than during the Soviet welfare state. Unemployment was approximately 9 percent but ranged from 15 to 40 percent in the most hard-pressed regions. According to the Ministry of Labor, 70 percent of

the registered unemployed were women. Law enforcement reported that at least half of trafficked women were unemployed. NGOs reported that many women were desperate to find a better level of support. Children also were at a greater risk of trafficking.

According to surveys of law enforcement officials and NGOs, unlicensed front companies and agents of legitimate companies with ties to criminal organizations appeared to be the main channels for human trafficking. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail-order brides, and some victims were recruited by partners or friends. During the tourist season, many fly-by-night firms were created especially to provide particular channels for the smuggling of women. There were also purely criminal firms that found work abroad for prostitutes and intentionally sold young women into slavery.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that trafficking was primarily carried out by small criminal groups with the assistance of front companies and more established organized crime groups. Typically, the traffickers use a front company--frequently an employment agency, travel agency or modeling company--to recruit victims with promises of high-paying work overseas. Once they reached the destination country, the traffickers typically confiscated the victims' travel documents, locked the victims in a remote location, and forced them to work in the sex industry.

Traffickers often used their ties to organized crime to threaten the victims with harm to their families should they try to leave. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid Russian organized crime a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement. They also sometimes pay "protection" money to local organized crime groups in destination countries.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes was 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

Journalists, politicians, and academic experts all stated that trafficking was facilitated and, in many cases, controlled by corrupt elements within the MVD and other law enforcement bodies. Substantial evidence, including information derived from victims, NGOs, foreign law enforcement and criminal prosecutions in Russia, suggested that corrupt elements within the Ministry of Internal Affairs protected trafficking organizations and, in many cases, directly operated trafficking and prostitution businesses themselves.

NGOs claimed that consular officials abroad refused to help trafficked women. The Foreign Ministry confirmed that it had no policy on assistance to victims of trafficking and was working to create appropriate guidance. Victims rarely filed complaints against the agencies that recruited them once they returned to the country, reporting that fear of reprisals often exceeded their hope of police assistance. Law enforcement authorities acknowledged that they rarely opened a case following such complaints because often no domestic law was broken, and law enforcement authorities were evaluated according to the number of cases they close.

There were no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women had to pay their own way home or turn to international NGOs for assistance. Women reported that without their documentation, which was often withheld by traffickers, they received no assistance from Russian consulates abroad. The Government did not provide direct assistance to trafficking victims.

Victims of trafficking could turn to a crisis center or other NGOs that render assistance to female victims of sexual and other kinds of abuse. Many of the more than 55 crisis centers and anti-trafficking NGOs throughout the country provided information on trafficking, and some provided assistance. Various NGOs rescued victims and helped them to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. Significantly, the Duma Committee on Legislation involved a variety of NGOs in the development of the draft anti-trafficking law. Some foreign-funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. NGOs also continued their activities in the areas of public education and victim

support. For example, during the year, Winrock International continued to provide economic empowerment training to NGOs in a variety of cities in the Russian Far East. According to Winrock, approximately 900 women in 12 different cities benefited from such training every year.

At year's end, a draft law "On the Status of Trafficking Victims" was pending before the Duma. This draft law would provide for a system of measures to protect trafficking victims, including the establishment of shelters and support centers. It would also mandate cooperation between government agencies and anti-trafficking NGOs, and define procedures for the social rehabilitation of trafficking victims.

The Government did not sponsor any official victim protection and assistance programs. However, a broader witness protection law that would create a wide variety of witness protection measures was pending before the Duma at year's end. The draft witness protection law passed the Duma in first reading in the fall Session, and was scheduled for a second reading in early 2004. If passed, the law would apply to all organized crime cases in which a witness' life or physical safety is in danger and would aid law enforcement's efforts to investigate and prosecute trafficking cases.

The Government has no official prevention program, but has sponsored a number of events designed to raise public awareness of the dangers of trafficking. For example, during the year, the Duma Committee on Legislation and the Presidential Administration held a number of public legislative drafting sessions designed to draft comprehensive anti-trafficking legislation. These were all accompanied by substantial publicity arranged by the Duma. In addition, in May, the Duma Committee on Legislation sponsored a public showing of the film "Lilya Forever" at the Duma. The film, using the fictional story of a young female trafficking victim, dramatically depicts the horrors of trafficking from the former Soviet Union to Western Europe. In addition, the Presidential Administration was organizing a major conference of Russian anti-trafficking NGOs to take place in Moscow on January 27, 2004.